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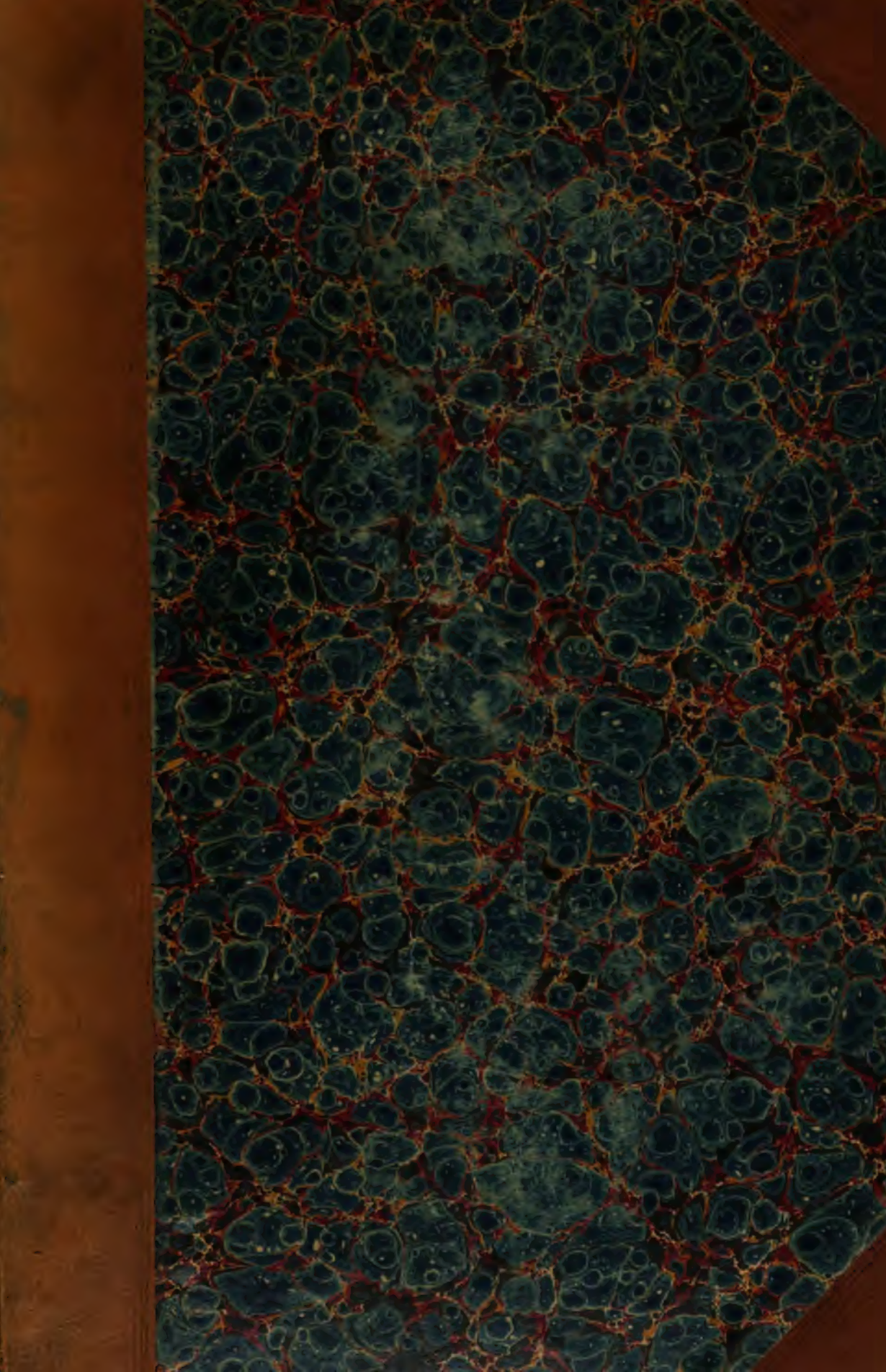
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## GAZETTES.—FRIDAY, JAN. 4.

## BANKRUPTS.

**GEORGE BRICE SAINSBURY**, Church-lane, Whitechapel, Middlesex, and Beadenhall-street, City, coal merchant, Jan. 17 and Feb. 14 at 12, London: Off. Ass. Johnson; Sols. Smith & Son, 6, Barnard's-inn, Holborn.—Pet. f. Jan. 3.

**LOUIS DETHIER**, Carpenter-place, Carpenter-st., Berkeley-square, Middlesex, cook, Jan. 18 at 11, and Feb. 21 at 12, London: Off. Ass. Bell; Sols. Dod & Longstaffe, 19, Great Portland-street, Oxford-street.—Pet. f. Dec. 29.

**HENRY PAINE**, Strand, Middlesex, tailor, Jan. 18 at 1, and Feb. 14 at half-past 1, London: Off. Ass. Johnson; Sols. Taylor & Jaques, South-place, Finsbury.—Pet. f. Jan. 4.

**WILLIAM GROVE**, Kingsland-road, Middlesex, licensed victualler, Jan. 11 and Feb. 18 at 12, London: Off. Ass. Graham; Sol. Beard, 10, Basinghall-street (omitted in a previous Gazette).—Pet. f. Dec. 28.

**JOHN WISEMAN**, Luton, Bedfordshire, printer, Jan. 16 and Feb. 20 at 12, London: Off. Ass. Stansfeld; Sols. Fisher & Sons, Aldersgate-street; J. & J. H. Linklater & Co., 7, Walbrook, City.—Pet. f. Jan. 2.

**JOHN GIBBS**, Church-street, Hackney, Middlesex, licensed victualler, Jan. 17 at 2, and Feb. 15 at half-past 11, London: Off. Ass. Canaan; Sols. Lumley & Lumley, 41, Ludgate-street, City.—Pet. f. Jan. 1.

**JOHN ROGERS**, Brighton, Sussex, lodging-house keeper, Jan. 14 at 11, and Feb. 11 at half-past 12, London: Off. Ass. Pennell; Sols. Sydney & Son, 46, Finsbury-circus.—Pet. f. Jan. 1.

**ROBERT GEORGE PIKE**, Maidstone, Kent, grocer, Jan. 16 at 11, and Feb. 18 at 1, London: Off. Ass. Pennell; Sols. Morgan, Maidstone, Kent; Doyle, 2, Vernlam-buildings, Gray's-inn, London.—Pet. f. Jan. 2.

**JAMES JOSEPH CLARK**, Aldersgate-street, City, leather merchant, Jan. 15 at 2, and Feb. 19 at 1, London: Off. Ass. Lee; Sols. Lumley & Lumley, 41, Ludgate-street, City.—Pet. f. Jan. 2.

**THOMAS GRAY**, Bread-street, City, woollen warehouseman, Jan. 15 at half-past 1, and Feb. 16 at half-past 12, London: Off. Ass. Edwards; Sol. Bailey, 8, Tokenhouse-yard, Lotherbury, City.—Pet. f. Nov. 28.

**JOHN REYNOLDS**, Burslem, Staffordshire, grocer, Jan. 17 and Feb. 7 at 11, Birmingham: Off. Ass. Whitmore; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. d. Dec. 27.

**WILLIAM MILLWARD**, formerly of Birmingham, afterwards of Aston, near Birmingham, and now of Kats's-hill, Dudley, Worcestershire, grocer, Jan. 21 and Feb. 11 at 11, Birmingham: Off. Ass. Kinnear; Sols. Lowe, Dudley; E. & H. Wright, Birmingham.—Pet. d. Jan. 2.

**PETER WHITELOCK**, Leeds, Yorkshire, grocer, Jan. 16 and Feb. 15 at 11, Leeds: Off. Ass. Young; Sol. Simpson, Leeds.—Pet. d. and f. Jan. 2.

**JOSEPH HARLAND**, Leeds, Yorkshire, cloth merchant, Jan. 24 and Feb. 15 at 11, Leeds: Off. Ass. Young; Sols. Upton & Newdall, Leeds.—Pet. d. Jan. 3.

## MEETINGS.

*Francis Stevens and George Abbott*, Earl's Barton, Northamptonshire, curriers, Jan. 25 at 1, London, last ex.—*Lewis Robert Poole and Samuel Bryan*, New Oxford-street, Middlesex, and Northampton, shoe manufacturers, Jan. 15 at 1, London, last ex.—*Henry Boreham*, Wilmot-street, Russell-square, Middlesex, plumber, Jan. 16 at half-past 1, London, last ex.—*James Broad*, Drury-lane, Middlesex, coach ironmonger, Jan. 15 at 12, London, last ex.—*George Stokes*, Snow-hill, City, provision merchant, Jan. 24 at half-past 1, London, and ac.—*Thos. Joshua Fenton*, Lime-street, City, and St. Mary-le-Shaw-place, Old Kent-road, Surrey, wine merchant, Jan. 23 at 12, London, and ac.—*William Napier*, Union-wharf, Wapping-wall, Middlesex, coal merchant, Jan. 17 at 11, London, and ac.—*William Smith and Robert Walls Sinclair*, Pancras-lane, City, linen factors, Jan. 24 at 12, London, and ac.—*William Harman*, Emmott-street, Poplar, Middlesex, outfitter, Jan. 18 at 12, London, and ac.—*William Wilson Baker and Henry Sendall*, Old Bailey,

City, manufacturing stationers, Jan. 16 at 1, London, and ac.—*Thomas William Blagfield*, Leather-lane, Holborn, Middlesex, and Lesaness-leath, Kent, builder, Jan. 25 at 12, London, and ac.—*William Reed*, Salisbury-place, Lock's-fields, Waltham, Surrey, carman, Jan. 25 at 11, London, and ac.—*William Smith and William Francis Patient*, Ramondsey New-road, Surrey, tanners, Jan. 17 at 11, London, and ac.—*John William Bevil*, Cheltenham, Gloucestershire, tobacconist, Jan. 17 at half-past 11, London, and ac.—*Thomas Robert Murrell*, Hedenham, Norfolk, farmer, Jan. 17 at 12, London, and ac.; Jan. 25 at 1, div.—*George Henry Chace*, Oxford-street, St. Marylebone, Middlesex, shoemaker, Jan. 16 at 11, London, and ac.—*Richard Starkey*, Stroud, Gloucestershire, draper, Jan. 24 at 11, Bristol, and ac.; Jan. 31 at 11, div.—*Marshall Thomas Stacey*, Leeds, Yorkshire, dealer in tea, Jan. 17 at 11, Leeds, and ac.—*William Wilson*, Thirsk and Northallerton, Yorkshire, currier, Jan. 17 at 11, Leeds, and ac.—*William Clarke Gill*, Manchester, money scrivener, Jan. 23 at 12, Manchester, and ac.—*James Heseltine*, Norwich, hotel keeper, Jan. 25 at half-past 12, London, div.—*Robert Henry Anderson*, York, scrivener, Jan. 25 at 11, Leeds, div.—*Joseph Ambler*, Bradford, Yorkshire, worsted manufacturer, Jan. 25 at 11, Leeds, div.—*William Knapton*, York, ironfounder, Jan. 25 at 11, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Dwyell*, Clarendon-terrace, Bow-road, Middlesex, wheelwright, Jan. 25 at half-past 12, London.—*John Blackwood Wilson*, John-street, Penton-street, Pentonville, Middlesex, draper, Jan. 25 at 11, London.—*Joseph Bushell and Alfred Walker*, Wood-street, London, and Harpenden, Hertfordshire, straw-hat manufacturers, Jan. 25 at 12, London.—*Thomas Alfred Pickering*, Pigott-street, Limehouse, Middlesex, manure dealer, Jan. 31 at 12, London.—*Richard Starkey*, Stroud, Gloucestershire, draper, Jan. 28 at 11, Bristol.—*Thomas Rees*, Swansea, Glamorganshire, ironmonger, Feb. 4 at 11, Bristol.—*Daniel Platten*, Dorchester, Dorsetshire, draper, Jan. 31 at 12, Exeter.—*Charles Bason*, Tavistock, Devonshire, mine agent, Jan. 30 at 12, Exeter.—*John Laffers*, Plymouth, Devonshire, chemist, Jan. 28 at half-past 12, Plymouth.—*James Napier*, Rhyl, Flintshire, shipowner, Jan. 28 at 11, Liverpool.—*G. Noble*, Middlesbrough, Yorkshire, innkeeper, Jan. 25 at 11, Leeds.—*William Gilyard and Samuel Brown*, Bradford, Yorkshire, machine woolcombers, Jan. 25 at 11, Leeds.—*John Moore*, Pudsey, Yorkshire, cloth manufacturer, Jan. 25 at 11, Leeds.—*Wm. Lee and Henry Smith*, Batley, Yorkshire, woollen-cloth manufacturers, Jan. 25 at 11, Leeds.—*M. T. Stacey*, Leeds, Yorkshire, dealer in tea, Jan. 25 at 11, Leeds.—*Rodolphus Egan*, Bradford, Yorkshire, gunmaker, Jan. 25 at 11, Leeds.—*William Henry Sims*, Winster, Derbyshire, apothecary, Jan. 26 at 10, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*George Frederick Laratt*, Tarrano-avenue, Camden-town, Middlesex, out of business.—*John M'Colm*, Manchester, common brewer.

## PETITIONS ANNULLED.

*William Overers Jennings*, Uggehall, Suffolk, horse dealer.—*Benjamin Chandler*, Sherborne, Dorsetshire, money scrivener.

## PARTNERSHIPS DISSOLVED.

*Samuel Moore and William Sills*, Old Broad-street, City, attorneys, solicitors, and conveyancers.—*Andrew Phillips and George Phillips*, Shifhall, Shropshire, attorneys and solicitors.—*John Baker, Samuel E. Baker, and R. Philott*, Weston-super-Mare, Somersetshire, attorneys-at-law, solicitors, and conveyancers (so far as regards the said *John Baker*).

## SCOTCH SEQUESTRATIONS.

*Thomas Clark*, Ardrossan, sea-bay.—*James Miller*, Edinburgh, ironmonger.—*Wm. Glasgow*, Shotts, Lanarkshire, farmer.

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## THE JURIST.

LONDON, JANUARY 12, 1861.

THE war with China has been brought to a close, and *The London Gazette Extraordinary* of the 28th December, 1860, sets out the instruments by which this desirable end was accomplished, together with the correspondence and other documents connected with it. We do not intend to consider these transactions in their political or national light; but the mode in which the final convention was entered into, and the previous treaty ratified, present matters of international law which are deserving notice.

The object of the recent Anglo-Gallic expedition to China was, as is well known, to obtain from the Emperor of China the ratification of a treaty executed by his Plenipotentiaries at Tientsin on the 26th June, 1858, and to avenge the insult to the flags of both nations on a former occasion, when their ships attempted to pass up to Peking for that purpose. After a campaign, with the details of which our readers are familiar, the Prince of Kung presented himself as Imperial Commissioner on the part of the Emperor of China, who had retired from the capital to his imperial residence in Tartary, to conclude a peace with the Plenipotentiaries of England and France. Terms were agreed on, and the final ceremonies, so far as we are concerned, were gone through at the Hall of Ceremonies at Peking, between Prince Kung on the part of China, and Lord Elgin on that of Great Britain. On the next day a similar

process was gone through at the same place between Prince Kung, acting as above, and Baron Gros, acting on the part of France. On both occasions the first step necessarily was to verify the credentials of the respective parties. Prince Kung produced the following as his:—

"On the 7th day of the 8th moon of the 10th year of the reign of Hein Fung (21st September, 1860), the Chief Secretariat had the honour to receive the following imperial decree:—

"We command Yih Su, Imperial Prince of Kung, to be Imperial Commissioner Plenipotentiary, with power to do whatever may be necessary to the exchanging of treaties and the making of peace between the two nations."

"Respect this!"

To this the following note is appended by Mr. Wade, one of the Chinese secretaries attached to the expedition:—

"The term 'tainen-kinen,' translated 'plenipotentiary,' is of foreign manufacture, and employed here, as on former occasions, out of deference to our prejudices. The plenipotentiary power, according to Chinese notions and usages, is really conferred by the words 'pien i hing sz,' to do the things which the occasion may demand as essential."

It does not appear whether this peculiarity in the language of the above instrument was pointed out to Lord Elgin by the interpreters on duty on the occasion in question.

After signing the convention, the remaining step was the ratification by the Chinese of the treaty of Tientsin. This was effected by Prince Kung affixing

the Emperor's seal to the treaty, and the production of a certificate of Prince Kung, signed and sealed by him, declaring its apposition to be a full and valid act of imperial ratification. Lord Elgin, as appears from his letter to Lord John Russell of the 26th October, 1860, seems to have had some misgiving about this. He informs us that "before consenting to be satisfied with ratification in this form, I inquired what Baron Gros's views on the subject were, and I ascertained that he would be glad to have the certificate which I proposed to demand, but that he was quite willing to accept the seal as a valid act of ratification, even without any such certificate." The certificate is as follows:—

"The Prince of Kung, Commissioner and Plenipotentiary of his Majesty the Emperor of the Ta Tsing Dynasty, hereby executes a certificate.

"Be it known that the impression of the Hwang T'chi P'an (the fifth of the twenty-five seals of the empire), which has been reverently affixed to the foregoing treaty, the same being the treaty of peace concluded at Tientsin in the year 'wu'wu' (1858), is an attestation of the full assent of his Majesty the Emperor of China to; and his promise to abide by, all the articles therein, and renders unnecessary any separate authorisation by the imperial signature.

"This certificate is accordingly appended to this treaty, to serve as a record for evermore.

"Executed at Peking on the 11th day of the 9th moon, in the 10th year of the reign of Hien Fung" (24th October, 1860).

Acquainted, as we are by this time, with the Chinese character and diplomacy, the questions naturally present themselves—First, is the seal affixed to the treaty the seal of the Emperor at all? Secondly, assuming that it is, is it the proper seal, seeing that we are informed by Prince Kung's certificate that there are twenty-five seals used by the Emperor, and most probably for different purposes? Thirdly, assuming the seal to be the proper one, was it affixed by authority of the Emperor?

The above documents were these adduced by Prince Kung as the real or pretended delegate of the Emperor of China; but it may assist our speculations in this matter to contemplate a document not intended for our view, and derived from the Emperor himself:—

"Draft of an Imperial Rescript in vermilion, that is, in autograph, found in the Palace of Yuen-Ming-Yuen, on the 7th October, 1860.

"We have this day perused the reply of the American barbarians to the communication of Kweiliang and his colleagues.

"[It shews that] in the matter of their presentation at court, nothing more can be done to bring them to reason\*. Besides, these barbarians, by their avowal that their respect for his Majesty the Emperor is the same as that they feel for their pih-li-si-tien-teh (President), just place China on a par with the bar-

barians of the South and East<sup>o</sup>—an arrogation of greatness which is simply ridiculous. The proposition of yesterday, that they should have an interview with the Prince, need not either be entertained."

The law of nations is of two kinds—the primary or original law of nations, which is derived solely from principles of reason and equity, and the secondary or conventional law of nations, which has been established by particular nations for their guidance in their intercourse with each other. (See Grotius de Jur., B. and P., Proleg.; and Vattel, Droit des Gens, Préface). In dealing with the Chinese it is to the former of these we must appeal; for it would be alike unjust and absurd to endeavour to bind that people by artificial rules of international law created in Europe. Now, according to the primary law of nations, and perhaps the secondary also, the ratification of a treaty concluded by mandataries or plenipotentiaries need not be in any particular form. "On peut appliquer ici toutes les règles du droit naturel, sur les choses qui se font par commission." (Vattel, liv. 2, c. 12, s. 156). And Grotius, lib. 3, c. 22, s. 3, says, "Summe et alii modi quibus potestas summa obligatur antecedente ministrorum facto, sed non ita ut id factum causa sit proprie dicta, sed ut occasio sit obligationis: idque dupliciter, vel per consensum, vel per rem ipsam. Consensus apparet ratificationis, non tantum expressus sed et tacita, id est ubi scivit summa potestas quod actum erat, et fieri passus est, quæ ad aliam causam referri probabiliter non possunt," &c. (See also Id., lib. 2, cap. 4, s. 5, and c. 15, s. 17). Hence it follows, that if the Chinese Government act on or recognise the treaty in any way, it will be a sufficient ratification to satisfy the law of nations.

Before dismissing the subject we wish to direct attention to the title of the Emperor of China in these instruments. In the treaty of Tientsin he is styled "The Emperor of China;" and in the convention at Peking, "His Imperial Majesty the Emperor of China;" thus dropping the title "His Celestial Majesty," by which he was formerly known, and, we believe, was designated in the treaty executed with China by Sir Henry Pottinger, and certainly in the negotiations of that period.

## THE CANADA EXTRADITION CASE.

(From the Toronto Globe).

ROBINSON, C. J., first pronounced his judgment.—After a long review of the facts of the case, the evidence submitted against the prisoner, and the circumstances attending his arrest and commitment by the magistrates, the learned judge said—The point which has been argued before us, and the only point, is, what construction and effect it is proper to give to those words in the treaty, and in our statute of the 22 Vict. c. 8, s. 1 (Consolidated Statutes of Canada), which, when read together, in effect provide, that a person charged with committing, within any of the

\* \* \* *Lit.* There cannot be any more good means for bringing them round (to the right way). Argument is exhausted, so let the question of an audience drop."

\* "The Miran, ancient barbarians of the South, the I of the East."

United States of America, any of the offences mentioned in the treaty—that is to say, murder, or assault with intent to commit murder, piracy, arson, robbery, or forgery—"and charged upon such evidence of criminality as, according to the law of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed," may be apprehended, upon complaint made under oath, in order that he may be brought before the judge or justice of the peace who has caused him to be apprehended, to the end that the evidence of his criminality may be heard and considered; "and that if, on such hearing, the evidence be deemed sufficient by law to sustain the charge according to the laws of this province, he shall certify the same, together with a copy of all the testimony taken before him, to the Governor of the province, in order that a warrant may issue, upon the requisition of the proper authorities in the United States, or of any such States, for the surrender of the person charged, according to the stipulation of the treaty." It has been argued on the part of the prisoner, that both of the passages in the statute, in which the sufficiency of the evidence to prove criminality is spoken of, have reference to the law of this province, not merely as regards the nature of the proof that may be received, and its conclusive tendency, but also to the law of this province as regards the particular offence, and in relation to whatever circumstances may have influenced the party in committing the act. I cannot go the whole length of that argument, as it has been endeavoured to apply it in this case. But the construction contended for would seem to exact that there should be a similarity between the law of the State from which the person has fled, and that of our country, in all the features and attributes of the particular crime. To some extent it might be reasonable to hold that the law of the two countries should be found to correspond. For example, if it were the law of Missouri that every intentional killing by a slave of his master, however sudden, should be held to be murder, without regard to any circumstances of provocation, or of any necessity of self-defence against mortal or cruel injury, I do not consider that a fugitive slave, who, according to the evidence, could not be found guilty of murder without applying such a principle to the case, could legally be surrendered by the treaty. But I could not go to the length of holding, that because a man could not, in the nature of things, be killed in this province while he was pursuing a slave, because there are not, and by law cannot be, any slaves here, therefore a slave who has fled from a slave State into this province cannot be given up to justice because he murdered a man in that State who was at the time attempting to arrest him under the authority of law, in order to take him before a magistrate with a view to his being sent back to his master. It would not be right, I think, to hold that the fugitive should, under such circumstances, not be surrendered, and to hold this without reference to what the positive law of that country might allow, or to the conduct of the party pursuing or of the party pursued, or to the knowledge of the latter that the purpose for which it was desired to arrest him was not contrary to the law of the country, or to the fact (if it should be so) that there was no apparent necessity to inflict death in order to escape. It is true, it is not proved that the prisoner, if he was attempting

to escape from slavery altogether, or only from the immediate control of his master, was in either case committing any criminal offence against the law of Missouri; nor is it shown that the law of that State made it the duty of Digges to apprehend him under the circumstances in which he was found; but Digges having, as it appears, authority to take him up and carry him before a magistrate, under the general law of the State, it cannot be said that he was acting illegally at the time that Anderson rushed upon him and repeatedly stabbed him with a deadly weapon. He was acting under a legal authority as much as if he had been armed with process, the fact being proved, and not denied, that the statute law of Missouri applied to the prisoner under the circumstances in which he was; and unless Digges abused his authority, by using a degree of violence uncalled for by the circumstances, the killing of him was not justifiable; nor can it be said, I think, that the facts of the case lead plainly to the conclusion that the act of the prisoner Anderson should be held to be nothing more than manslaughter. Upon his trial on a charge of murder, if he shall be surrendered, and if he shall be tried for that offence, it will be for the jury to dispose of the case, under the direction of a judge. There may then appear sufficient reasons to warrant the jury in taking a favourable view of the case, and to lead them to think it probable that the prisoner advanced towards the deceased and stabbed him under an apprehension that it was necessary, not merely to facilitate his own escape, but to save his life, or to avert threatened violence at the moment. But the case, in my judgment, is not one in which the justices at Brantford would have been warranted in assuming the functions of a jury, and intercepting a trial for the graver offence. We may be told that there is no assurance that the prisoner, being a slave, will be tried fairly and without prejudice in the foreign country; but no court or magistrate can refuse to give effect to an act of Parliament by acting on such an assumption; nor can we be influenced by the consideration (a very painful one in all such cases) that the prisoner, even if he shall be wholly acquitted of the offence imputed to him, must still remain a slave in a foreign country.

McLEAN, J., then delivered a long and able judgment. He said—There is nothing before us to show that the justices of the peace who have "examined the evidence," or rather the justice of the peace who certifies the evidence as having been taken before him, has come to any determination that it is "sufficient to sustain the charge, according to the laws of this province, if the alleged offence has been committed therein," or that he has certified his decision on the evidence, together with a copy of all such evidence, to the Governor. By this commitment the prisoner is not "in custody awaiting a surrender under the treaty with the United States," but is in gaol awaiting a discharge according to law. Then, as to the designation of the offence with which it is alleged the prisoner was charged on the 28th September last, it is stated that he was on that day charged, on the oath of William C. Baker and others, without stating who those others were, for that he did, in Howard county, in the State of Missouri, on the 28th September, 1863, wilfully, and maliciously, and ferociously stab and kill one Seneca T. P. Digges. There is no charge of murder in the offence alleged against Anderson by William C. Baker, and we cannot assume that it was intended to prefer a charge for murder; for, in truth, the deposition made by Baker before the justice of the peace, which is returned with the evidence, contains no charge whatever against the prisoner. He expressly says, in his deposition, that he did not see the wound made of which Digges is said to have died, and that he came

to this province, employed and paid by the county of Howard, for the purpose of identifying the prisoner. He does not pretend to give any statement of his own, or to make any charge against the prisoner. All he does say, as to the cause of the death of Digges, he says "Digges told him;" so that, in truth, the greater portion of what his deposition contains is a detailed statement of his several conversations with Digges. That statement, in the absence of any proof that it was made by Digges in the full belief that his life was drawing speedily to a close, ought not to have been received, and cannot be considered as legal evidence; so that, without the necessary requisites to confer that character on the hearsay statements of Baker, they cannot possibly form the foundation of a criminal charge against the prisoner. Then there is the testimony of Benjamin F. Digges, a son of Seneca T. P. Digges, who was with his father at the time he was stabbed, and who at that time was a little better than eight years of age. This witness says, very candidly, that he had never seen the coloured man who stabbed his father before that time; that the prisoner was about the colour and size of the man, but "he would not swear he was the man." Looking, then, at all the testimony taken before the justice of the peace, and rejecting such portion as is wholly unnecessary and inadmissible, there is not a witness who connects the prisoner with the stabbing of Digges, unless it be Thomas L. Digges, in his statement of the death-bed declarations of his father to him, and these only shew that the negro by whom Digges was stabbed made certain declarations as to himself and his identity which would be true if made by the prisoner. On the grounds, therefore, that the prisoner was arrested in the first instance on an insufficient complaint, and that he is now detained in custody on a warrant of commitment, until discharged by due course of law, for an offence committed in a foreign country, and on the further grounds that the offence stated in the warrant of commitment is not one for which the prisoner is liable to be detained under the Provincial Act for carrying out the treaty with the United States for the surrender of certain fugitive criminals, and that the evidence, as given before the justice of the peace, is of too vague a character to establish the offence of murder against the prisoner according to the laws of this province, I am of opinion that the prisoner is now entitled to be discharged from custody.—In conclusion, the learned judge said, the law of England, or rather of the British Empire, not only does not recognise slavery within the dominions of the Crown, but imposes upon any British subject who shall have become the owner of slaves in a foreign State the severest penalties, and declares that all persons engaged in carrying on the slave trade, when captured at sea, shall be liable to be treated as pirates. The prisoner Anderson, as appears by the statement of Baker, who came to this province to identify him, has felt the horrors of such treatment. He was brought up to manhood by one Moses Burton, and married a slave on a neighbouring property, by whom he had one child. His master, for his own purposes, disregarding the relation which had been formed, sold and transferred him to a person at a distance, to whose will he was forced to submit. The laws of Missouri, enacted by their white oppressors, while they perpetuate slavery, confer no rights on the slaves, unless it be the bare protection of their lives. Can it, then, be a matter of surprise that the prisoner should endeavour to escape from so degrading a position? or rather, would it not be a cause of surprise if the attempt were not made? Digges, though he could have had no other interest in it but that which binds slaveholders for their common interest to prevent the escape of their slaves, interfered to prevent the prisoner getting beyond the

bounds of his bondage, and with his slaves pursued and hunted him, with a spirit and determination which might well drive him to desperation; and when at length the prisoner appeared within reach of capture, he, with a stick in his hand, crossed over a fence and advanced to intercept and seize him. The prisoner was anxious to escape, and, in order to do so, made every effort to avoid his pursuers. Digges, as their leader, on the contrary, was most anxious to overtake and come in contact with the prisoner, for the unholy purpose of rivetting his chains more securely. Could it be expected from any man indulging the desire to be free, which nature has implanted in his breast, that he should quietly submit to be returned to bondage and to stripes, if by any effort of his strength, or any means within his reach, he could emancipate himself? Such an expectation, it appears to me, would be most unreasonable; and I must say, in my judgment, the prisoner was justified in using any necessary degree of force to prevent what to him must inevitably have proved a most fearful evil. He was committing no crime in endeavouring to escape, and to better his own condition; and the fact of his being a slave cannot, in my humble judgment, make that a crime which would not be so if he were a white man. If in this country any number of persons were to pursue a coloured man with the avowed determination to return him into slavery, it cannot, I think, be doubted that the man pursued would be justified in using, in the same circumstances as the prisoner, the same means of relieving himself from so dreadful a result. Can, then, or must, the law of slavery in Missouri be recognised by us to such an extent as to make it murder in Missouri, while it is justifiable in this province to do precisely the same act? I confess that I feel it too repugnant to every sense of religion and every feeling of justice to recognise a rule, designated as a law, passed by the strong for enslaving and tyrannising over the weak—a law which would not be tolerated a moment if those who are reduced to the condition of slaves, and deprived of all human rights, were possessed of white instead of black or dark complexion. The Declaration of Independence of the present United States proclaimed to the world that all men are born equal, and possessed of certain inalienable rights, among which are life, liberty, and the pursuit of happiness; but the first of these is the only one accorded to the unfortunate slaves; the others of these inalienable rights are denied, because the white population have found themselves strong enough to deprive the blacks of them. A love of liberty is inherent in the human breast, whatever may be the complexion of the skin. "Its taste is grateful, and ever will be so, till nature herself shall change;" and in administering the laws of a British province I never can feel bound to recognise as law any enactment which can convert into chattels a very large number of the human race. I think that on every ground the prisoner is entitled to be discharged.

BURNS, J., concurred in the opinion of the Chief Justice.

Mr. S. B. Freeman, for the prisoner, said it was of course the intention of the prisoner's counsel to appeal the case to the Court of Error and Appeal.

**JURIDICAL SOCIETY.**—A meeting of this society was held on Monday, the 7th January, 1861, at their rooms, 4, St. Martin's-place, Trafalgar-square, Mr. Charles Clark in the chair. Mr. N. Lindley, one of the secretaries, read a paper contributed by P. MacChom- baich (Colquhoun), LL.D., member of the Supreme Council of Justice of the Ionian Islands, intitled "Historical Review of the Feodal System."

TUESDAY, Jan. 8.

BANKRUPTS.

**LEONARD SEWELL**, Savage-gardens, City, merchant, Jan. 18 at half-past 1, and Feb. 15 at 11, London: Off. Asa. Bell; Sols. Courtesay & Croome, 16, Crooked-lane.—Pet. f. Jan. 7.

**THOMAS BARNES**, late of Farnham, Surrey, now of Wokingham, Berkshire, innkeeper, Jan. 18 at half-past 11, and Feb. 21 at 1, London: Off. Asa. Johnson; Sols. Rhodes & Co., 63, Chancery-lane.—Pet. f. Jan. 7.

**THOMAS BROUGHTON HOWSON**, Oxford, chemist, Jan. 16 at half-past 12, and Feb. 19 at 12, London: Off. Asa. Graham; Sols. Parker & Co., 17, Bedford-row, London.—Pet. f. Jan. 4.

**EUGENE KEITH**, Hamilton-terrace, Queen's-road, Baywater, Middlesex, builder, Jan. 16 at 2, and Feb. 19 at half-past 12, London: Off. Asa. Graham; Sols. Brown & Godwin, 21, Finsbury-place, London.—Pet. f. Jan. 4.

**JOHN RICHARD ANDREWS**, late of Tottenham-court-road, but now of Hanover-place, Park-road, Regent's-park, Middlesex, ironmonger, Jan. 18 at half-past 12, and Feb. 23 at 1, London: Off. Asa. Whitmore; Sols. Rice, Carlton-chambers, 8, Regent-street.—Pet. f. Jan. 5.

**HENRY ROBERT PALMER**, late of King's-cottages, Hornsey-road, Islington, porkman, but now of Wellington-street, St. James-road, Holloway, Middlesex, out of business, Jan. 18 and Feb. 22 at 12, London: Off. Asa. Cannon; Sols. Grover & Eldred, 8, Great James-street, Bedford-row.—Pet. f. Dec. 20.

**CHARLES THOMAS BOARD**, late of Worship-street, Finsbury, Middlesex, and Devonshire-square, City, wholesale bedding manufacturer, but now of Nelson-square, Blackfriars-road, Surrey, out of business, Jan. 19 and Feb. 25 at 11, London: Off. Asa. Pennell; Sols. Sydney, 33, Jewry-street, Aldgate, London.—Pet. f. Jan. 6.

**EDWARD ROWLAND**, Coleman-street, New North-road, Middlesex, builder, Jan. 19 at 11, and Feb. 18 at half-past 12, London: Off. Asa. Pennell; Sols. Price & Co., Lincoln's-inn, London.—Pet. f. Oct. 9.

**BENJAMIN TOMPKINS GOSLIN**, Beaufort-buildings, Strand, and Hanover-cottages, Regent's-park, Middlesex, wine merchant, Jan. 22 at 1, and Feb. 26 at 12, London: Off. Asa. Edwards; Sols. Langham & Co., 10, Bartlett's-buildings, Holborn, London.—Pet. f. Jan. 7.

**GEORGE KYNERSTONE PALING**, Wolverhampton, Staffordshire, draper, Jan. 18 and Feb. 8 at 11, Birmingham: Off. Asa. Kinnear; Sols. James & Knight, Birmingham; Ashurst & Co., Old Jewry, London.—Pet. d. Dec. 27.

**MARK ROBINSON**, Blaxwick, Walsall, Staffordshire, shoemaker, Jan. 18 and Feb. 8 at 11, Birmingham: Off. Asa. Whitmore; Sols. Potter & Cramp, Walsall.—Pet. d. Dec. 31.

**BENJAMIN FAWCETT**, Huddersfield, Yorkshire, grocer, Jan. 21 and Feb. 18 at 11, Leeds: Off. Asa. Hope; Sols. Leadbester, Huddersfield; Bond & Barwick, Leeds.—Pet. d. Jan. 7.

**JOHN MULCASTER-NICHOLSON** and **GEORGE PLUMMER**, Manchester, cabinet makers, (trading under the style or firm of John Nicholson & Co.), Jan. 25 and Feb. 13 at 12, Manchester: Off. Asa. Fraser; Sols. Boote, Manchester.—Pet. f. Oct. 24.

MEETINGS.

**Edward Aal**, Lambeth-street, Goodman's-fields, White-chapel, Middlesex, tailor, Jan. 18 at half-past 1, London, last on.—**Charles C. Henshaw**, Stony-lane, Tooley-st., Surrey, clock maker, Jan. 20 at half-past 11, London, and. ac.—**Robert C. Davies** and **John Nichol Troughton**, Sheraditch, Middlesex, bankers, Jan. 29 at 11, London, and. ac.—**M. H. Wilton**, Southport, Lancashire, grocer, Jan. 18 at 11, Liverpool, and. ac.—**Samuel Eason**, Liverpool, coal merchant, Jan. 18 at 11, Liverpool, and. ac.—**John Green**, Birkenhead, Cheshire, newspaper proprietor, Jan. 18 at 11, Liverpool, and. ac.; Jan. 31 at 11, div.—**Joseph Wilson Horns**, Penrith, Cumberland, and Newcastle-upon-Tyne, tobacco manufacturer, Jan. 22 at 12, Newcastle-upon-Tyne, and. ac.—**John Riddell**, Dyke Nook and Berry Ridge, Durham, butcher, Jan. 18 at 12, Newcastle-upon-Tyne, and. ac.—**C. S. Harrison**, Glossop, Derbyshire, grocer, Jan. 23 at 12, Manchester, and.

ac.—**T. Booth**, Manchester, grocer, Jan. 24 at 12, Manchester, and. ac.; Jan. 31 at 12, div.—**Joseph Clarke**, Kiddleminster and Bowdley, Worcestershire, tanner, Jan. 30 at half-past 12, London, div.—**Thomas Clark**, Midhurst, Sussex, tanner, Jan. 30 at half-past 1, London, div.—**Robert D. Clegg** and **Frederick Angerstein**, Friday-street, Cheap-side, and Fleet-street, City, dealers in atmospheric clocks, Jan. 29 at half-past 1, London, div. sep. est. of **Frederick Angerstein**.—**Wm. Pavitt** and **Daniel Pavitt**, Alfred-street, Bow-road, and **George Pavitt**, Myddleton-road, Kingland-road, Middlesex, millers, Jan. 31 at 12, London, div. joint est., and div. sep. est. of **Wm. Pavitt**.

CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Oliver A. Seagood** and **Henry W. Smith**, Wellington-road, Holloway, Middlesex, builders, Jan. 29 at 12, London.—**George Gee**, Beckford-row, Walworth-road, Surrey, mercer, Jan. 29 at half-past 1, London.—**Charles G. Bail**, Peterborough, Northamptonshire, coal merchant, Jan. 29 at 1, London.—**Charles C. Henshaw**, Stony-lane, Tooley-street, Surrey, mast maker, Jan. 26 at half-past 11, London.—**George Almond** and **Richard Manlove** the younger, Laton, Bedfordshire, straw-hat manufacturers, Jan. 30 at 1, London.—**Wm. H. Godfrey**, Henley-on-Thames, Oxfordshire, bookseller, Jan. 29 at 1, London.—**A. Jennings** and **W. T. Jennings**, Little Tower-street, City, commission merchants, Jan. 30 at half-past 1, London.—**Robert W. Sheppard**, Charlbury, near Woodstock, Oxfordshire, coal merchant, Jan. 31 at half-past 12, London.—**G. A. Drage**, Olney, Buckinghamshire, shoe manufacturer, Jan. 31 at 11, London.—**Matthew H. Wilton**, Southport, Lancashire, grocer, Jan. 29 at 11, Liverpool.—**James Saunders**, Cloughton, Birkenhead, Cheshire, general agent, Jan. 29 at 11, Liverpool.—**Wm. Treacoe**, Liverpool, colourman, Jan. 29 at 12, Liverpool.

To be granted, unless an Appeal be duly entered.

**John Cooper**, Great Yarmouth, Norfolk, printer.—**James Thomas**, Abington, Berkshire, builder.—**Edward Heile**, St. Paul's-road, Bow-common, Middlesex, manufacturing chemist.—**George Harris**, Woking, Surrey, tailor.—**Henry E. Morgan**, Oxford, confectioner.—**Walter Laurance**, Budock, Cornwall, cowkeeper.—**Wm. Turpin**, Plymouth, Devonshire, draper.—**Thomas J. Harris**, Plymouth, Devonshire, mercer.—**L. J. Philp**, Plymouth, Devonshire, butcher.—**T. Rue**, East Stonehouse, Devonshire, draper.—**Samuel Randle**, Plymouth, Devonshire, auctioneer.—**Henry B. Gashell**, Liverpool, broker.—**Thomas Booth**, Manchester, grocer.—**C. S. Harrison**, Glossop, Derbyshire, grocer.—**E. A. Acton**, Manchester, general commission agent.

PETITION ANNULLED.

**Thomas Godfrey**, Forston-street, Shepherdess-fields, Middlesex, egg merchant.

PARTNERSHIP DISSOLVED.

**Francis Mowburn** the elder, **Henry Hutchinson**, and **Francis Mowburn** the younger, Darlington, Durham, attorneys and solicitors (so far as regards **Francis Mowburn** the elder and **Francis Mowburn** the younger).

SCOTCH SEQUESTRATIONS.

**Henry E. Jordan**, Borrowstounness, near Linlithgow, commission agent.—**W. Walton**, Glasgow, builder.—**James Randall**, Dumfries, wine merchant.—**Wm. M'Leay**, Glasgow, fish merchant.—**Alexander M'Aslan**, Rothesay and Kamesburgh, Buteshire, grocer.

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## GAZETTES—FRIDAY, Jan. 11.

## BANKRUPTS.

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- JOHN COOPER**, Berners-street, Oxford-street, Middlesex, pianoforte maker, Jan. 21 at 11, and Feb. 25 at 12, London: Off. Ass. Pennell; Sol. Stubbs, 46, Moorgate-street, London.—Pet. f. Jan. 9.
- WILLIAM HENRY ROWE**, Gloucester-place, Gloucester-crescent, Regent's-park, Middlesex, builder, Jan. 21 and Feb. 18 at half-past 1, London: Off. Ass. Pennell; Sol. Quick, Ely-place, London.—Pet. f. Oct. 29.
- HENRY HOLLINGDALE**, now of Hadlow, and late of Tunbridge, Kent, hay and straw dealer, Jan. 22 at 12, and Feb. 19 at 1, London: Off. Ass. Stansfeld; Sols. Carnell & Co., Tunbridge; Church & Co., 38, Southampton-buildings, London.—Pet. f. Jan. 10.
- MARY WOOD**, Burnatwood, Staffordshire, innkeeper, Jan. 24 and Feb. 14 at 11, Birmingham: Off. Ass. Kinnear; Sols. Duignan & Ebsworth, Walsall.—Pet. d. Jan. 4.
- JAMES SMITH**, New Lenton, Nottinghamshire, lace manufacturer, Jan. 24 and Feb. 19 at 11, Nottingham: Off. Ass. Harris; Sols. Hunt & Son, Nottingham.—Pet. d. Jan. 8.
- HENRY PINCHBECK**, Horncastle, Lincolnshire, builder, Jan. 23 and Feb. 20 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Brown & Son, Lincoln.—Pet. d. Jan. 10.
- JOHN HENRY COTTAM**, Kirton-in-Lindsey, Lincolnshire, machine maker, Jan. 23 and Feb. 20 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. W. E. & B. Howlett, Kirton-in-Lindsey; Wells & Smith, Hull.—Pet. d. Jan. 2.
- WILLIAM HILLIAR**, Eastham, Cheshire, hotel keeper, Jan. 23 at 12, and Feb. 11 at 11, Liverpool: Off. Ass. Morgan; Sols. Fletcher & Hull, Liverpool.—Pet. f. Jan. 8.
- GODFREY MORTON and JOHN WILLIAMS**, Portmadoc, Carnarvonshire, builders, Jan. 25 and Feb. 15 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Co., Liverpool; Williams, Carnarvon.—Pet. f. Dec. 26.
- JOHN NOBLE**, Carlisle, Cumberland, ropemaker, Jan. 22 and Feb. 21 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne; Carr, 25, Rood-lane, London.—Pet. f. Dec. 31.

## MEETINGS.

*Benjamin Chester Rawles*, Apollo-buildings, East-street, Walworth, Surrey, shoe manufacturer, Feb. 5 at 12, London, last ex.—*Joseph Clarke*, Kildermminster and Bewdley, Worcestershire, tanner, Jan. 23 at 1, London, last ex.—*Thomas Robert Murrell*, Hedenham, Norfolk, farmer, Jan. 22 at 12, London, last ex.—*John Baker*, Heathfield, Sussex, tanner, Jan. 23 at 12, London, last ex.—*Angus Jennings and Wm. Taylor Jennings*, Little Tower-street, City, commission merchants, Jan. 22 at half-past 12, London, aud. ac. joint and sep. ests.—*John Wilson*, Sunderland, Durham, boot maker, Jan. 24 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Henry Degetau*, Manchester, merchant, Jan. 24 at 12, Manchester, aud. ac.; Feb. 7 at 12, div.—*Charles Herbert*, Charlton-street, Belgrave-road, Piclico, Middlesex, printer, Feb. 1 at half-past 1, London, div.—*Robert Dennis White and John Gregory*, Haymarket, Middlesex, East India army agents, Feb. 5 at 12, London, div. sep. est. of *John Gregory*.—*John Slater Marshall*, Billiter-street, City, shoe factor, Feb. 4 at 2, London, div.—*Moses Seymour*, Llangenneck, Carmarthenshire, and Rodridge Colliery, Durham, and *Martyn Seymour*, Rodridge Colliery, Durham, brick makers, Feb. 5 at 12, Newcastle-upon-Tyne, div. sep. est. of *Moses Seymour*.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Barton*, Wellington-street, Strand, Middlesex, publisher, Feb. 7 at 11, London.—*William Strong*, Merton-road, Wandsworth, Surrey, builder, Feb. 1 at 12, London.—*Joseph Hooper*, New Western-street, Bermondsey, Surrey, leather merchant, Feb. 1 at 1, London.—*Edward Russell Daunt and John Wilson*, Old Broad-street, City, bill brokers,

Feb. 1 at half-past 11, London.—*John Thomson*, High-street, Kensington, and Brydges-street, Covent-garden, Middlesex, licensed victualler, Feb. 1 at half-past 12, London.—*Abner Woodhall*, Barnes Cray, Kent, silk manufacturer, Feb. 5 at half-past 2, London.—*William Read*, Dorset-street, Portman-square, Middlesex, builder, Feb. 4 at 2, London.—*Manservant Wilson Bolton*, Waterloo-road, Surrey, commission agent, Feb. 4 at half-past 2, London.—*George Elkins Arnsby*, Earle Barton, Northamptonshire, boot manufacturer, Feb. 4 at 1, London.—*John Hancock*, Hornsey-vue, Hornsey-road, Middlesex, builder, Feb. 4 at half-past 11, London.—*Thomas Williams*, Newport, Monmouthshire, printer, Feb. 5 at 11, Bristol.—*John Moorhouse Andrews*, Dewabury, Yorkshire, innkeeper, Feb. 4 at 11, Leeds.

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## SCOTCH SEQUESTRATIONS.

*James Sinclair*, deceased, Alexandria, Dumbartonshire, slater.—*Alexander Morrison Stephen*, Dundee, bookseller.—*James Logan*, Lindetou, Dalrymple, Ayrshire, farmer.—*Robert Gilchrist*, Linlithgow, draper.

## TUESDAY, Jan. 15.

## BANKRUPTS.

- JAMES CROOK**, Winckworth-place, City-road, Middlesex, India rubber web manufacturer, Jan. 24 at 12, and Feb. 21 at 2, London: Off. Ass. Bell; Sol. Abrahams, 27, Bloomsbury-square.—Pet. f. Jan. 14.
- VICTOR FAELLI**, Crutched-friars, City, and Alle-place, Goodman's-fields, Middlesex, shipbroker, Jan. 25 at 11, and Feb. 22 at half-past 11, London: Off. Ass. Cannan; Sol. Rose, 19, Change-alley, Cornhill.—Pet. f. Jan. 11.
- WALTER BLUNDELL**, New Broad-street, City, dentist, Jan. 25 and Feb. 22 at 1, London: Off. Ass. Whitmore; Sol. Tucker, New City-chambers, Basinghall-street.—Pet. f. Jan. 10.
- WALTER ALLANSON**, Castle-street, Holborn, City, Australian merchant, (trading under the name, style, or firm of W. Allanson & Co.), Jan. 25 at half-past 12, and March 1 at 1, London: Off. Ass. Whitmore; Sols. Hensman & Nicholson, 25, College-hill, Cannon-street West.—Pet. f. Dec. 29.
- JAMES THOMAS TAYLOR**, New Church-street, Marylebone, Middlesex, grocer, Jan. 25 at half-past 11, and Feb. 20 at 2, London: Off. Ass. Stansfeld; Sol. Prall, 19, Essex-street, Strand.—Pet. f. Jan. 11.
- ALFRED BOWLES**, Ipswich, Suffolk, music seller, Jan. 28 at 12, and Feb. 25 at half-past 1, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Wallbrook, London.—Pet. f. Jan. 12.
- THOMAS WHITAKER PRINGLE**, Hawley-pl., Kentish-town, Middlesex, grocer, Jan. 28 at 11, and Feb. 25 at 1, London: Off. Ass. Pennell; Sol. Brutton, 27, Basinghall-street, London.—Pet. f. Jan. 11.
- FREDERICK JOHN SKINNER**, Thurlow-place, Hackney-road, Middlesex, designer in embroidery, Jan. 29 at half-past 2, and Feb. 26 at 2, London: Off. Ass. Lee; Sols. Ashurst & Co., 6, Old Jewry, London.—Pet. f. Jan. 9.
- GEORGE THOMAS ROLLASON**, Birmingham, china dealer, Jan. 28 and Feb. 18 at 11, Birmingham: Off. Ass. Kinnear; Sol. Smith, Birmingham.—Pet. d. Jan. 11.

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## THE JURIST.

LONDON, JANUARY 19, 1861.

In our last number<sup>o</sup> will be found the report, taken from *The Toronto Globe*, of what is called "the Canada Extradition case," decided by the Court of Queen's Bench in Canada, relative to the case of a man of colour named Anderson, who was claimed by the Government of the United States, under the Extradition Treaty, as a fugitive who had committed murder in the Slave State of Missouri. The judgment was not, however, unanimous—the decision that the fugitive should be given up being that of two judges against one; and it was understood that an appeal from that decision would be brought to a superior tribunal in Canada, and from thence, if necessary, to the Privy Council here. The questions raised by that decision are of the deepest importance, whether viewed in an international, legal, or political light, and we had proposed on an early occasion to bring the subject before our readers. But it has now become complicated with another question of perhaps equal importance and difficulty. The Anti-Slavery Society in England, observing the obvious bearing of the case on the subject of slavery, instructed counsel to apply to the Court of Queen's Bench here for a habeas corpus to bring up the fugitive. This was accordingly done on Tuesday last, the 15th instant, and the writ was granted. Under all the circumstances, we consider that the best service we can render our readers in this matter is to abstain at present from comment, and present them with the following report of the application, which is the fullest we have

been able to obtain on so short a notice. The statement of the facts and the argument are taken from *The Times* of Wednesday, the 16th instant, and the judgment has been supplied to us by our reporter in the Queen's Bench, G. J. P. Smith, Esq.

## COURT OF QUEEN'S BENCH.

## HILARY TERM.

[Before COCKBURN, C. J., and CROMPTON, HILL, and BLACKBURN, JJ.]

Ex parte ANDERSON.—Jan. 15.

Edwin James, Q. C., (with whom were Flood and G. Allan), moved for a writ of habeas corpus to be directed to the Governor of the Province of Canada, to the sheriff of Toronto, and the keeper of the gaol there, to bring up the body of one John Anderson, together with the cause of his detention.

COCKBURN, C. J., asked why the name of the Governor was introduced.

Edwin James said the reason was, because in *The St. Helena* case, to which he should have to refer, the name of the Governor was introduced, as well as that of the keeper of the gaol. The affidavit on which the learned counsel moved was made by L. A. Chamerovzow, of No. 27, New Broad-street, in the city of London, secretary of the British and Foreign Anti-Slavery Society. He stated that John Anderson, of the city of Toronto, in her Majesty's province of Canada, a British subject domiciled there, was, as he verily believed, illegally detained in the criminal gaol of the said city there against his will, not having been legally accused or charged with, or legally tried or sentenced for, the commission of any crime, or for any offence against or recognised by the laws in force in the said province, or in any other part of her Majesty's dominions, or not being otherwise liable to be imprisoned or detained under or by virtue of any such laws. The affidavit further stated, that the deponent verily believed that unless a peremptory writ of habeas corpus should immediately issue by this Honourable Court, the life of the said John Anderson would be exposed to the greatest and to immediate danger. The learned

\* Ante, p. 4.

counsel proceeded to observe, that, in moving for this writ of habeas corpus, the persons for whom he appeared would have to satisfy the Court that they had jurisdiction to issue this writ to the province of Canada; and, if he established that proposition, their Lordships would have no doubt that, under the pressing circumstances of the case, the writ ought to be directed to issue. The proposition for which he should contend was, that the Crown had power to issue the writ of habeas corpus into any part of her Majesty's possessions. Canada was a part of the possessions of the British Crown, and, in the language which had been adopted in these cases, her Majesty had a right to have an account of the imprisonment of all her subjects in all her dominions. He contended that the Court had as much right to issue this prerogative writ into Canada, as a possession of the British Crown, as into the Isle of Wight or Yorkshire. These writs have gone to Calais when a possession of the British Crown, and also to Ireland, and he should contend that Canada stood in precisely the same position, as a possession of the British Crown. Canada, which was a part of the continent of America, was colonised in the reign of James I, and the first charter was granted in the thirteenth year of the reign of James I. At that time (and the expression was material) the whole of that portion of America was called "the Plantations," and the Board of Trade was called "the Board of Trade and Plantations." Canada belonged to the British Crown till the year 1633, when it was ceded to France; and it was held by the Crown of France till the year 1759, when it was retaken, and ceded to the British Crown. The stat. 14 Geo. 3, c. 83, treated Canada as a colony in the possession of England.

COCKBURN, C. J., said that in the Lower Province of Canada the French law prevailed; but Toronto was an English colony in Upper Canada.

HILL, J., said the 8th section of stat. 14 Geo. 3, c. 83, reserved civil matters for the old law; but by the 11th section the criminal law of England prevailed through the whole of Canada.

Edwin James read an extract from the judgment delivered by Lord Denman in the case of the Canadian prisoners (9 Ad. & El. 782), where Lord Denman said—"The difficult questions that may arise touching the enforcement in England of foreign laws are excluded from this case entirely; for Upper Canada is neither a foreign State, nor a colony with any peculiar customs. Here are no 'mala prohibita' by virtue of arbitrary enactments; the relation of master and slave is not recognised as legal; but acts of Parliament have declared that the law of England, and none other, shall there prevail." By the 11th section of stat. 14 Geo. 3, c. 83, the criminal law of England was in force through the whole of Canada; and, beyond all question, a British subject in Canada was within a portion of her Majesty's dominions. The learned counsel contended that it was matter of right, and clear law, that as soon as a country became a portion of her Majesty's dominions, more especially if, like Canada, it became so by conquest or cession, the writ of habeas corpus issued into it, upon the ground that her Majesty had a right to know what had become of every one of her subjects. No instance could be found of the writ going into Canada, and therefore it was necessary to rely upon the argument by way of analogy, which empowered the Court to issue the writ. "That the writ lies, and runs into every part of her Majesty's dominions, was laid down in Bac. Ab., tit. "Habeas Corpus," B., in these terms:—"2. To what places it may be granted. It hath been already observed that the writ of habeas corpus is a prerogative writ, and that therefore, by the common law, it lies to any part of the king's dominions; for the king

ought to have an account why any of his subjects are imprisoned; and therefore no answer will satisfy the writ, but to return the cause with paratum habeo corpus, &c. Hence it was holden that the writ lay to Calais at the time it was subject to the King of England." He then referred to *Cowie's case* (3 Burr. 834), where Lord Mansfield said, "Writs not ministerially directed (sometimes called prerogative writs, because they are supposed to issue on the part of the king), such as writs of mandamus, prohibition, habeas corpus, certiorari, are restricted by no clause in the constitution given to Berwick; upon a proper case they may issue to every dominion of the Crown of England. There is no doubt of the power of this Court where the place is under the subjection of the Crown of England; the only question is as to the propriety. To foreign dominions which belong to a prince who succeeds to the throne of England this Court has no power to send any writ of any kind. We cannot send a habeas corpus to Scotland or to the Electorate; but to Ireland, the Isle of Man, the Plantations, and (as, since the loss of the duchy of Normandy, they have been considered as annexed to the Crown in some respects) to Guernsey and Jersey we may; and formerly it lay to Calais, which was a conquest, and yielded to the Crown of England by the treaty of Bretigny."

Edwin James said that, by the industry of his junior, Mr. Flood, he had copies of the writs which had been issued to Calais in 1387 and 1389. They might be seen in Rymer's *Fœdera*, p. 15. In 1389 such a writ was issued by the House of Lords, sitting as a court of justice. He relied strongly on the authority of Lord Mansfield, who said that the writ would issue to "every dominion of the Crown of England," and that this Court could send the writ to Ireland, to the Isle of Man, and to the Plantations. He also referred to Vattel's *Law of Nations*, b. 1, c. 18, p. 210, as an authority for the position, that where a nation took possession of a distant country, and settled in it, it became a part of the parent State; and to Grotius de *Jure Belli ac Pacis*, b. 2, c. 9, to the same effect. He also referred to 2 P. Wms., 65, 74, where it was said:—"Memorandum, Aug. 9, 1722.—It was said by the Master of the Rolls to have been determined by the Lords of the Privy Council, upon the appeal to the King in Council from the foreign Plantations, 'That if there be a new and uninhabited country found out by British subjects, as the law is the birth-right of every subject, so wherever they go they carry their laws with them, and therefore such new found country is to be governed by the laws of England.'" He then referred to the case of *Reg. v. Crawford* (13 Q. B. 613), which was an application for a writ of habeas corpus ad subjiciendum to the Isle of Man, and in which it was held that the writ would run into that island since the stat. 5 Geo. 3, by which the island was vested in the Crown, and formed part of its dominions. He also cited the case of *Campbell v. Hall* (Cowp. 204).

CROMPTON, J., thought the question was, whether the Courts in Westminster Hall had now a concurrent jurisdiction with the local courts in granting this writ.

COCKBURN, C. J., said that, in *The Berwick case*, Berwick was not subject to the law of Scotland, and therefore there was no superior court which could send a habeas corpus to prevent an illegal imprisonment, unless this Court took upon itself jurisdiction. But was that the case in Canada?

Edwin James said he did not dispute that Canada had both legislative and criminal jurisdiction; but his argument was, that the Courts in England had a concurrent jurisdiction with the Courts in Canada.

The present was not the case of a man who had been tried in Canada, or who was under the sentence of a court which had power to sentence him, for the affidavit shewed that he had never been tried; and he contended that the mere institution of a local jurisdiction would not oust the Queen of the right which she had to ascertain whether any of her subjects were illegally imprisoned. In the case of the Isle of Man there were local courts which had the power to issue writs of habeas corpus; and so also in *The St. Helena case (Ex parte Lees, El., Bl., & El. 28)*. In this latter case a writ of habeas corpus had been very recently granted, after a writ of error had issued.

CROMPTON, J., said he issued the writ as ancillary to the writ of error.

*Edwin James* said, that if this Court refused a writ of habeas corpus, the party had a right to go in succession to each of the superior courts; and if this Court should refuse their writ, he would have a right to go to every court in Westminster Hall. He thought that was a strong argument to shew that this Court had a concurrent jurisdiction with the Canadian Courts.

COCKBURN, C. J., said the question was, whether it was within the ambit of this Court's jurisdiction, or whether the power of granting the writ was not vested by the Crown in another jurisdiction.

*Edwin James* contended that the mere establishment of such a jurisdiction in a local court could not limit the rights of the Crown without the authority of an act of Parliament.

COCKBURN, C. J., said that by the conquest or cession of Canada the law of England attached, and this Court had the power to issue writs of habeas corpus into that country, unless the Crown had either expressly or by implication taken away that power. The question was, whether, by the establishment of a local judicature, and committing to it the duty of protecting the subject by issuing writs of habeas corpus, the Crown had not, by implication, taken away the jurisdiction of this Court.

CROMPTON, J., said the Legislature might do that.

*Edwin James* said it was open to a party in this country to apply for the writ of habeas corpus to any court of co-ordinate jurisdiction.

HILL, J.—And also for a prohibition.

*Edwin James* contended that it was a common-law right of the subject to go to every tribunal for this writ; and, a fortiori, the courts in this country would have a concurrent jurisdiction with the colonial courts, unless it was taken away by an act of Parliament.

COCKBURN, C. J., asked whether the right to go to every one of the courts had not arisen from the Habeas Corpus Act.

*Edwin James* contended it was by the common law, and all this Court was asked to do was, not to interfere with any judgment, but to grant a habeas corpus to liberate a man who was in illegal custody. He was not in custody under the commitment of any local court which had the power to try him; there was no judgment to set aside, but it was shewn to the Court that he was detained for no crime cognisable by the law of England. The learned counsel then referred to *Corpus Wilson's case* (7 Q. B. 984), in which the writ had issued into the Isle of Jersey, and then proceeded to argue that the case might arise when the courts in Canada might be unable to discharge their duties, as a reason why this Court should still retain the power of granting these writs.

COCKBURN, C. J., inquired, supposing the writ should go, what means had the Court of enforcing it?

*Edwin James* said the Court could enforce the writ by attachment; but it could not be assumed that the

Queen's writ would not be obeyed. The Court would send its own officer to execute the writ. An application had been made to the local court for a writ of habeas corpus, and refused; and it was now shewn to this Court that John Anderson, a British subject, was illegally detained in prison, having been guilty of no crime cognisable by the law of England. There were precedents for this application, and he confidently submitted that the mere fact that there were other courts which had a concurrent jurisdiction would not deprive the applicant of that protection for which he now prayed the Court.

The learned counsel then handed in the affidavit upon which he moved, and which was in these terms:—

“IN THE QUEEN'S BENCH.

“The affidavit of Louis Alexis Chamerovzow, of No. 27, New Broad-street, in the city of London, secretary of the British and Foreign Anti-Slavery Society.

“I say, 1. That John Anderson, of the city of Toronto, in her Majesty's province of Canada, a British subject domiciled there, now is, as I verily believe, illegally detained in the criminal gaol of the said city there against his will, not having been legally accused or charged with, or legally tried or sentenced for, the commission of any crime, or for any offence against or recognised by the laws in force in the said province, or in any other part of her Majesty's dominions, or not being otherwise liable to be imprisoned or detained under or by virtue of any such laws.

“2. I verily believe, that unless a peremptory writ of habeas corpus shall immediately issue by this Honourable Court, the life of the said John Anderson is exposed to the greatest and to immediate danger.”

Their Lordships then retired to consider their decision. After a short absence their Lordships returned.

COCKBURN, C. J.—We have carefully considered this matter, and the result of our anxious deliberation is, that we think that the writ ought to issue. We are sensible of the inconvenience which may result from the exercise of such a jurisdiction. We are also sensible that it may be thought to be inconsistent with that higher degree of colonial independence, both in legislation and judicature, which has been carried into effect in modern times with happy results. At the same time, in establishing local legislation and judicial authority, the Legislature of Great Britain has not gone so far as expressly to abrogate any jurisdiction which the Courts in Westminster Hall possess, of issuing writs of habeas corpus to any part of her Majesty's dominions. And we find that that jurisdiction in these courts has been asserted from the earliest times, and exercised down to the most recent. We have it upon the authority of Lord Coke, Lord Mansfield, Blackstone, and Bacon's Abridgment, that these writs of habeas corpus have been, and are to be, issued into all the dominions of the Crown of England when it is suggested that one of the Queen's subjects is illegally imprisoned. And not only have we these authorities in the shape of dicta of eminent judges and assertions of text-writers, but we have the practical application of the doctrine in cases in very modern times. The more remarkable instances are where the writ was issued to the islands of Jersey, Man, and St. Helena. Finding, upon these authorities, that the power has been not only asserted, but carried into execution as matter of practice, even where an independent local legislature and judicature were established, we think that nothing short of a legislative enactment, expressly depriving us of this jurisdiction, will warrant us in withholding the exercise of it when called upon to do so for the protection of the liberty of the subject. It may be that the Legislature has

thought fit to leave a concurrent jurisdiction to be exercised in the courts of this country and in the colonial courts, as there is in this court and the other courts of Westminster Hall. We can only act on the authorities, and we feel that we should not be doing right, under the authority of the precedents cited, if we refused to issue this writ.—*Habeas corpus granted.*

### CONDITION OF SALE.—OUTSTANDING LEGAL ESTATE.

A VENDOR who stipulates that the purchaser shall bear all the expenses of and incident to the getting in of the legal estate, if it be outstanding, is not thereby exonerated from the obligation to abstract and prove the title to the legal estate. To protect himself from being called upon to do that, he must further stipulate that he shall only be required to shew an equitable title. We notice the case of *The Official Manager of the Sheerness Well or Waterworks Company v. Polson* (7 Jur., N. S., part 1, p. 12) in order to correct a misconception on this point which might easily occur upon a hasty perusal of the report. In that case the company, which was a mere voluntary unincorporated association formed in 1800, had in 1829 taken a conveyance of the legal estate in land to the shareholders in fee-simple, as tenants in common, in shares proportionate to their shares in the capital. The company being wound up, the official manager put up the land for sale under conditions, including a condition to the effect, in substance, that the vendor should deliver an abstract of title, commencing with the conveyance of 1829, and an abstract of the several documents affecting the several shares into which the company was divided, but the purchaser should nevertheless accept a conveyance from the official manager without requiring the concurrence of the shareholders or any other persons for any purpose whatsoever. The condition then proceeded in these words:—"If the purchaser shall consider the legal estate in the whole or any part of the property to be outstanding, and shall require a conveyance thereof, he shall bear the expenses of obtaining all such conveyance or conveyances as he may require, and all other expenses incidental to the getting in of such legal estate, and in all proceedings relative thereto." The purchaser having declined to complete until the vendor had shewn a title to the legal estate, and procured a conveyance thereof, the Master of the Rolls held, "that the purchaser was bound to complete on the execution of the conveyance by the official manager alone, the official manager being bound to procure" (but not, it seems, as a condition precedent to the payment of the purchase money), "at the expense of the purchaser, such a conveyance of the legal estate as the purchaser might require, and the vendor be able to obtain." The Master of the Rolls considered that under the contract it was for the purchaser to trace the legal title, and to say, "I require conveyances from such and such persons." That conclusion was derived from the first clause of the condition, that the concurrence of the shareholders was not to be required for any purpose. We confess that the condition does not appear to us to support the decision. The stipulation, that the concurrence of the shareholders should not be required for any purpose, could not be understood as extending to the purpose of conveying the legal estate, when it was immediately followed by a representation to the purchaser that he might have a conveyance of the legal estate on paying for it. Indeed, if the condition against requiring the concurrence of the shareholders had stood alone, we conceive that it ought to have been held fraudulent and void for not stating that the legal estate was in them. However this may

be, the decision is clearly no authority for excusing a vendor from shewing a title to the legal estate and procuring a conveyance of it, merely on the ground that he has by the contract thrown the expense of getting in the legal estate on the purchaser.

### Reviews.

*A Treatise on the Liens of Attornies, Solicitors, and other Legal Practitioners.* By WHITLEY STOKES, Esq., of the Inner Temple, Barrister-at-Law. (12mo., pp. 264).

THE list of the cases cited in this volume, exceeding 600 in number, is enough to shew that a work specially devoted to the subject of professional lien was needed. The want appears to have been completely supplied by Mr. Stokes, who, like one of those machines frequently produced in scientific lectures, has at once exhausted the subject, and condensed into very small compass the matter contained in it. We have noted up the English authorities on the subject with some care, and can testify to the completeness of the author's research in that direction; and we have no doubt that he has also extracted all that is to be found in the Irish reports.

In an introduction the divisions of the subject are thus explained and defined:—

"Two kinds of lien (ligamen) are known to English law.

"The first is a right to retain possession of another's property until a debt due to the person retaining has been satisfied.

"The second is a right to charge property in another's possession with the payment of a debt or the performance of a duty. The first kind of lien may be called a retaining lien, and the second a charging lien."

Then, after explaining the distinction between a particular and a general lien, we are told that

"Attornies and solicitors practising in the courts of justice in England and Ireland may have not only the retaining lien, but the charging lien.

"Their retaining lien is both particular and general; their charging lien is only particular. The former is passive, the latter active; the former is defeasible, the latter absolute. The subject-matter of the former is a chose in possession; that of the latter almost always a chose in action.

"These liens accordingly require separate consideration, and this treatise falls into two principal parts. The first treats of the retaining lien of attornies and solicitors; the second, of their charging lien; and in dealing with each of these liens the following subdivisions naturally suggest themselves:—

"1. The subject-matter of the lien.

"2. The person enforcing it.

"3. The person against whom it is enforced.

"4. Its extent.

"5. The mode of enforcing it.

"6. The time of enforcing it; and,

"7. The means by which it may be resisted or displaced.

"We shall then consider the peculiarities of the lien of the town agent of a country solicitor; and, lastly, we shall notice the analogous liens which have been maintained or sought to be enforced by proctors, certificated conveyancers, and other legal practitioners."

Having allowed our author to set forth the plan on which he has worked, we shall extract a specimen brick or two from the structure.

The question, whether a solicitor can detain his client's will until his costs are paid, is thus discussed by Mr. Stokes:—



"It has been distinctly laid down by Lord Eldon that a solicitor can have no lien on the original will of his client. (*Balch v. Symes*, Turn. & R. 93). Various reasons have been given for this alleged exception to the general rule that a solicitor's lien comprises all his client's papers in his possession. None of them appear satisfactory. 1. That the lien should not apply to a will, as such instrument involves many different interests. But it may or may not involve many different interests; and if it does, so do many instruments on which the solicitor's lien is unquestionable. 2. That the will may refer to personal as well as real estate; and if it does, the solicitor would be compelled, by citation, to produce it in the ecclesiastical court. True; this production, resulting as it does in a deposit of the original in the registry of the ordinary or metropolitan, cannot be enforced without prejudice to the lien; but the present reason does not touch the case when the will clearly relates to land only, and therefore ought not to be proved. 3. That the lien, if allowed, might enable the solicitor to defeat the executor's right to retain his own debt. But this right of retainer is only against debts of an equal degree; and even if the executor were a special creditor of the deceased, the solicitor of the latter would have a right to be paid out of a fund recovered before the executor could retain. The solicitor would, moreover, have a lien on such fund. Why, then, should he not have a lien on the testator's will? 4. That the solicitor cannot refuse the production for the purposes of establishing the character of all persons claiming under the instrument. But this, if true, would be answered by the observation that the will might be produced without destroying the lien. 5. That the existence of a lien on the will might prejudice the right of the testator to alter it, even in articulo mortis. Without here making the verbal criticism, that, strictly speaking, there can be no such thing as an altered will, one may remark that this reason does not apply when the time for making such alteration has expired—i. e. after the testator's death, and as against his devisee or personal representatives. 6. That the solicitor engages to make an instrument effectual for the purposes of the testator, which it cannot be unless produced elsewhere. But this, of course, only applies to a case in which the solicitor has drawn the will for his client; and even then, as before observed, liability to production does not negative a right to lien. And, lastly, the case of a will respecting realty only could not have been in Lord Eldon's mind when he used this argument.

"On the whole, the proposition that a solicitor may, as against the devisee of his client, maintain a lien on a will relating solely to real estate, does not seem opposed to principle, and should not, it is submitted, be rejected merely on the ground of Lord Eldon's broad dictum in *Balch v. Symes*.

"We have observed that the ecclesiastical court would compel a solicitor, claiming a lien on a will relating to personality, to bring it in for purposes of probate. In *Ex parte Law* the Court of King's Bench discharged a rule which had been obtained to shew cause why a writ, in the nature of a writ of prohibition, should not issue to a judge of the Prerogative Court of Canterbury, commanding him to stay all proceedings against an attorney until his lien on a testator's will should have been satisfied or discharged. The spiritual court had, at all events, jurisdiction to order the will to be brought in, and the Court of King's Bench would not assume that the Prerogative Court was going to act in derogation of the course of common law, by trying the right of lien.

"Nor, when the attorney is monished to bring in the will, can he be allowed to dispute the jurisdiction,

and put the other party to proof of bona notabilia, prior to giving up the will. (*Brown v. Coates*, 1 Add. 345).

"The rule against a solicitor's lien on a will would extend not only to a duplicate, but to all his client's other testamentary papers; for the Prerogative Court may order them all to be brought in when required."

Mr. Stokes's criticism on another case does not appear to us to be sound. He is treating of the defence, "that the solicitor was not authorised to receive the subject-matter." (P. 60).

"Another case in which this defence might have been used was suggested, but unfortunately was not decided, in *Vaughan v. Vanderstegen* (2 Drew. 409). There a married woman had a life estate in realty to her separate use, without power of anticipation; she had a general power of appointment by will only, and in default of appointment, remainder to her in fee; how far could she, by handing the title deeds to her solicitor, give a lien thereon, first, against herself; secondly, against her heirs? It was asked, in reply to the solicitor's counsel, could the right by lien attach on deeds by the act of a party who has no present authority to part with them? and asserted that the married woman could not part with the deeds in respect of her life estate, which she could not charge. It may be answered, that no doubt the married woman, in the case supposed, had no authority to part with the deeds with a view of thereby creating an equitable mortgage of her life estate. But a solicitor's lien is not a mortgage: it involves no possible parting with, or charge upon, the estate. Nay, it might even have been said, in the case in question, that its existence was in harmony with the views of the settlor, as it tended to render the life estate inalienable. The proposition that the married woman could not part with the mere possession of her deeds—which is all that is required to create a solicitor's lien—is obviously untenable. Equally so is the assumption that the parting with the deeds must necessarily be by way of charging her life estate. As to her appointee by will, or heir, she could, I presume, have created, as against them, a lien on the remainder in fee, and, a fortiori, on the deeds relating to such remainder."

We think that this criticism may be answered by referring to the author's own sound exposition of the nature of a retaining lien—that it is "a right to retain possession of another's property until a debt due to the person retaining has been satisfied." (P. 1). Again: "General retaining liens depend on the agreement of the parties." In *Vaughan v. Vanderstegen* the married woman had not contracted a personal debt, and she had no property in the estate or in the deeds which she could charge by agreement, or otherwise than by an acknowledged deed. She had an inalienable life estate in the realty, and in the title deeds as appurtenant to it; she had a remainder in fee, which she could not charge otherwise than by an acknowledged deed; and she had a power of appointment, which could only be exercised by a testamentary act, and which, in an earlier stage of the same case (reported 2 Drew. 165), was expressly held not to support a charge inter vivos.

The above is the only questionable passage we have found in the book, which may be recommended as being evidently the work of a well-educated lawyer, who has brought to the preparation of it a more general familiarity with common law details than is usually possessed by equity barristers—the faculty of logical arrangement and lucid exposition, great industry, and, as we learn from the Preface, an approving conscience.



## THE COMMON-LAW COURTS AND THE DIVORCE COURT.

(From *The Observer*).

THERE seems, from some cause or other, a great dislike on the part of the Legislature to appoint new judges. It was only when the arrears in the different common-law courts became so great as to amount almost to a denial of justice that by degrees additional judges were appointed. The Courts of Queen's Bench, Common Pleas, and the Court of Exchequer have each now five judges, and with this addition they are obliged to leave remanets, amounting on the average, with new causes, to sixty each, for the new term, though the judges work indefatigably. From the end of the Long Vacation to its commencement in the following year, with the exception of one or two days at Christmas and the same at Easter, the judges sit almost every day, either in London or on circuit. They are considered generally to be well paid, but there are few men who work so hard for their salaries as the judges. Counsel of high standing and eminent repute may for the time being work for a greater number of hours, but they not only have less responsibility, but frequently have larger incomes. It must not be supposed that when a judge leaves his court his business is at an end; he has to ponder over his notes, to weigh the law of the question, and to be prepared, when he is called upon to give judgment, to have that judgment thoroughly scanned by the whole Profession. Ten years' work as a judge makes him an old man. There are some exceptions, but this term may fairly be taken as an average. The position of a judge is naturally a high one, and counsel strive for it, believing that that position once attained will eventually lead them to the woolstack. Nevertheless, the honour and the emoluments may be too dearly bought. It is, therefore, the duty of the Legislature to see that too much work is not thrown upon any man's shoulders. From the lists of court papers put forth by the three different common-law courts it appears that the total number of cases to be tried amounts to about 190. The Divorce Court has, according to the printed list, 188 cases for dissolution and nullity of marriage, and some ten cases for judicial separation. The 190 common-law cases will be distributed amongst fifteen judges; the 198 cases in the Divorce Court will practically have to be heard before one judge, and this in addition to the various causes that arise out of the Probate Court. Now, on public grounds, is it fair to the judge or to the public that this vast distinction should be made? The present judge of the Divorce Court is admitted to be an able and hard-working man, but the ablest and the strongest man cannot accomplish impossibilities. It is unfair to him that this enormous amount of business should be thrown upon his shoulders; and it is unjust to the suitors that they should have to suffer all the anxieties consequent upon tedious delays, and increased expense contingent thereon. When a man or woman presents a petition for dissolution of marriage, it is in the confident hope that it will be disposed of quickly. The petitioners may have borne their sorrow and alarm in private for years, and, with the exception of their immediate relatives, no one know anything about them; but when proceedings are commenced everything is made public long before the trial, through the interlocutory proceedings that take place. Take, for instance, the case of a gentleman living in a country town, who for some time past has apparently been living a moral life, although his wife is not resident with him. A few comments are made at first, but these are soon forgotten. At length he makes up his mind to present

a petition for dissolution of marriage; his wife answers, and brings counter-charges against him. People who were previously on good terms with the husband stand aloof until he can exonerate his character. From this moment until his case is finally disposed of he becomes the "observed of all observers" in the limited circle of the society in which he moves. Supposing that the petitioner has been maligned by his wife, the delay adds almost tenfold to the misery his wife's previous conduct may have occasioned him. The same thing, of course, applies to the wife. The cruelty occasioned by delay was one of the principal causes for the passing of the Divorce Act. Unless, however, the court be enlarged, by the creation of one or more assistant judges, it is hopeless to expect that the business can be got through in anything like reasonable time. It has been observed before that the Legislature is adverse to augmenting the staff of judges. They passed the Divorce Act on the implied understanding that there would not be probably more than twenty cases a year. When in the first year the number of cases was between two and three hundred, our Legislature, in their wisdom, came to the conclusion that this large number of cases arose out of "old sores." The second year passed, and the number went on increasing rapidly; and from returns made to Parliament it was found that the larger number of "sores" were of very recent date—some since the passing of the act. The third year will very possibly exhibit a similar result. The number of cases will perhaps startle a good many, but after all it is very small in proportion to the population. In round numbers it would not be more than one in 2900 of all the men, women, and children in the United Kingdom. Considering the age of luxury in which we live, and that it has always been found that immorality increases in an increased ratio with luxury, it is not too much to assert that the business of the Court of Divorce will increase instead of diminish. It is clear, therefore, that it will be the duty of the Government early next session to introduce some measure which shall reduce the business of the court, by appointing additional judges, so that cases may now have a chance of being heard as soon, if not sooner, than in courts of law or equity.

## PUBLIC PROSECUTORS.

A QUESTION of considerable importance to both branches of the Profession was mooted in the Leeds Town Council on Tuesday last, and we think it well deserves the attention of our readers. Some fourteen years ago the council appointed two gentlemen, who are known as public prosecutors, to conduct all prosecutions arising within the borough of Leeds, although it is very difficult to see whence the council derived power to make such an appointment. Indeed, it may be safely averred that the appointment would have been utterly nugatory had not the borough magistrates combined with the council to render it effectual. This they did by binding over to prosecute, in every case, not the party aggrieved, but some police officer, who it was understood should, as a matter of course, retain one or other of the gentlemen appointed by the council to conduct the prosecution at sessions or assizes. We have no doubt that this system has worked admirably for the interests of the two gentlemen referred to, and that they have every reason to congratulate themselves upon its adoption; but their professional brethren have certainly suffered from it, and it may reasonably be doubted whether the public have in any appreciable degree been benefited.

With regard to the injury inflicted upon the great body of the Leeds attorneys, there can be no question as to its existence, for they have been utterly shut out from the borough prosecutions, even although the parties aggrieved may have been their own clients, and they may have conducted the case before the magistrates up to the committal of the prisoner. At that stage the public prosecutor steps in, and says virtually, "Now that you have got this case up for me, I take it out of your hands; you have done all the drudgery, but I claim the substantial rewards." It really seems, however, unnecessary to enlarge upon this part of the subject, because, when it is an admitted fact that the two appointees of the council have all the borough prosecutions, no one can doubt that the other members of the Profession practising in the town are dammed.

But are the public benefited by this arrangement? It must be observed, that the public prosecutors do nothing in the way of detecting crime, or of sifting the evidence before the magistrates. That is left altogether to the party aggrieved, or his attorney, or to the police; and it is only when the case is ripe for trial that the public prosecutors make their appearance on the stage. The public, therefore, derive no advantage from the services of the public prosecutors in the most important stages of the inquiry in criminal cases. These functionaries neither initiate the proceedings, nor exercise any discretion as to their initiation, and thus they do nothing either to prevent, in the first stage, a failure of justice, or trumpery cases from being committed for trial. Nor is anything saved in the costs of the prosecution, for the public prosecutors receive just the same fees as any other attorney would do; and the very fact that they know that they must be employed in every case has a tendency to make them less vigilant than if the prosecutions were open to the Profession at large—unless, indeed, Leeds human nature is superior to the same article elsewhere.

Cases, moreover, might easily be put where the party aggrieved would feel it a monstrous hardship that the prosecution should be conducted by an entire stranger to himself—as, for example, in the case of forgeries on banks, embasslements by merchants' clerks, and other important crimes, where the real prosecutor would deem it as important to have the advice and assistance of his own attorney as on a purchase or mortgage. Such advice and assistance, however, he cannot have at Leeds, unless he pay for it out of his own pocket, and unless the public prosecutor will allow the interference of another attorney. The official of the town council and the policeman, the nominal prosecutor, have the matter entirely in their own hands, and the unfortunate aggrieved has no control whatever over it.

With regard to the effect of this system upon the Bar, it is at once ludicrous and painful. The public prosecutors, in order to avoid the appearance of partiality, deal out to every barrister who makes his appearance at the Leeds Borough Sessions one or two briefs, with an additional one to those connected with the town, and to those who are of long standing at the Bar. This distribution of briefs is known as "soup," and it obviously has a tendency to lower the tone of the Bar, and to take away an important stimulus to exertion. Every man is sure of his soup, and had he the ability of an Erskine, he would at Leeds get nothing more, at least in the shape of prosecutions. So notorious is it that every counsel coming to the sessions there will get his share of soup briefs, that some half-dozen gentlemen, who never make their appearance elsewhere in the West Riding, find themselves regularly in the robing-room at the

Leeds Town Hall on the day of holding the borough sessions in that town.

It is, we think, high time that a system which is at once so unjust to the attorneys, so detrimental to the interests of the public, and so degrading to the Bar, should be abolished.—*Solicitors' Journal*.

## Court Papers.

### EQUITY CAUSE LISTS, HILARY TERM, 1861.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

#### APPEALS.

Life Association of Scotland v. Siddall (Ap. M., S., July 22, 1859) Full Court  
Cooper v. Greene (S., Dec. 1, 1860) Full Court  
Johnson v. Gal- (V. C. of  
lagher Lancaster,  
Johnson v. Case- Dec. 8)  
nove Jan. 21  
Frogley v. Phillips (R., Dec. 13)  
Parmiter v. Parmiter } (W.,  
Parmiter v. Parmiter } Dec.  
In re Parmiter's Es- } 15)  
tate  
Parmiter v. Parmiter }

Williams v. Skottowe { (S.,  
Skottowe v. Williams } Dec.  
20)  
Wade v. Jenkins (S., Dec. 20)  
Official Manager of the Shear-  
ness Well Co. v. Polson  
(R., Dec. 20)  
Baker v. Peck (S., Dec. 28)  
Jenner v. Morris (K., Dec. 27)  
Earl of Radnor v. South-  
eastern Railway Co. (K.,  
Jan. 4, 1861)

#### CAUSES.

Westmacott v. Robins (F C,  
Summons) Jan. 19  
Green v. Morthmer (D).

Before the Right Hon. the MASTER OF THE ROLLS.

#### CAUSES, &c.

Wilkinson v. Green (E to ass.)  
Cartwright v. Maradea (M D)  
Harris v. Harris (M D)  
White v. Steward (M D)  
Pratt v. London and South-  
western Railway Co. (M D)  
Domlay v. London and South-  
western Railway Co. (M D)  
Barnes v. Bond (M D)  
Bond v. Barnes (M D)  
Evans v. Hughes (M D)  
Hill v. Mount (M D)  
Att.-Gen. v. Principal, &c. of  
Jesus College, Oxford (M  
D) Jan. 14  
Butterworth v. Winstanley (F  
C) Jan. 14  
Masters v. Bunn (Cause)  
Holdersness v. Lamport (Can.)  
Clark v. Eversfield (M D)  
Drake v. Hillard (Cause)  
Thomas v. Wilson (M D)  
Pocock v. Anglo-Australian  
and Universal Family Life  
Assurance Co. (M D)  
Fenwick v. Ecclesiastical Com-  
missioners for England (M  
D)  
Perez v. Williams (M D)  
Mills v. Raymond (M D)  
Slegg v. Slegg (F C)  
Pomfret v. Turner (F C)  
Wilkinson v. Palmer (M D)  
Bebb v. Davis (M D)  
Simcox v. Law (M D)  
Brian v. Wetman (M D)  
Cuddon v. Foakes (M D)  
Sanger v. Toplis (F C)  
Cole v. Willard (F C)  
Slaney v. Bedgood (M D)  
Gwynne v. Carmarthen and  
Cardigan Railway Co. (M  
D)  
Cooper v. Macdonald (F C, M)  
Parker v. Huggins (M D)  
Palk v. Smith (F C)  
Brook v. Aldrick (M D)  
Williams v. Allen (M D)  
Att.-Gen. v. Pennraddock the  
younger (Cause)  
Baker v. Mackin (M D)  
Batchelor v. Howard (M D)  
Walker v. Smith (Cause)  
Overton v. Crittall (M D)  
Shropshire Union Railway &  
Canal Co. v. Charlton (M  
D)  
Holdsworth v. Goose (Sp. C.)  
Atkins v. Ward (F C)  
Wright v. Reynolds (M D)  
Barrett v. Lidbetter (M D)  
In re Baker's Es- } (F C, ad-  
tate } journed  
Baker v. Love- } from  
croft } chamb.)  
Ward v. Pilcher (M D)  
Blyth v. Blyth (F C, Summ. to  
vary certif., and Summ. to  
vary certif. in Blyth v. Flem-  
ming)  
Moberly v. Healey (Cause)  
Att.-Gen. v. Lord Dynevor  
(F C)  
Phillips v. Phillips (Cause)

Snell v. Toulman (M D)  
 Nelson v. Exley (M D)  
 Michaux v. Goodman (Cause)  
 In re Ullathorne's } (F C)  
 Estate } adjourn.  
 Ullathorne v. Gra- } from  
 ham } chamb.)  
 Lea v. Lea (F C)  
 In re Hubbard's } (F C, adj.  
 Estate } from ch.,  
 Hubbard v. Wil- } Sums. to  
 kinson } vary cert.)  
 Williams v. Jones (M D)  
 Stovold v. Stovold (M D)  
 Mogg v. Mogg (M D)  
 Cooper v. Cooper (Sp. C.)  
 Polley v. Polley (Cause)  
 Hamilton v. Mills (M D)  
 In re Scovell's Es- } (F C, ad.  
 tate } from  
 Hindley v. Scovell } chamb.)  
 Pigott v. Baker (Cause)  
 Whiteway v. Watts (M D)  
 Patterson v. Rehe (F C)  
 Powell v. Fitzgibbon (F C)  
 Payne v. Caistor (Cause)  
 Handley v. Farmer (F C,  
 Summons to vary certif.)  
 Woolfall v. Kent (Cause)  
 Todd v. Patrick (M D)  
 Phillips v. Dawn (M D)  
 White v. Terrewest (Cause)  
 Stansfeld v. Bataford (Cause)  
 Turpin v. Chambers (M D)  
 Young v. Wilkie (M D)  
 Cattell v. Thomas (M D)  
 Henderson v. Cross (Cause)  
 Edmonds v. Onslow (M D)  
 Morris v. Owens (F C)  
 Marshall v. Marshall (F C)

Whitford v. Bull (M D)  
 Cordery v. Young (M D)  
 Foster v. Roberts (M D)  
 Rhodes v. Bird (F C)  
 Lloyd v. Smith (M D)  
 Furness v. Steer (F C)  
 Rowland v. Roupell (Cause)  
 Palin v. Palin (F C)  
 Rowe v. Rowe (M D)  
 Rowe v. Rowe (Cause)  
 Gallard v. Hope (M D)  
 Wilkinson v. Nelson (M D)  
 Denham v. Terrell (M D)  
 Jones v. Evans (F C)  
 Chetwynd v. Barclay (M D)  
 Beatal v. Hall (M D)  
 Wearing v. Courtenay (F C)  
 Dickason v. Foster (M D)  
 Kennedy v. Kelly (F C)  
 Harrison v. Brown (M D)  
 Charlesworth v. Gartside (M D)  
 In re Pearson's Es- } (F C,  
 tate } ad. from  
 Pearson v. Tucker } chamb.)  
 Adshead v. Willelts (M D)  
 White v. James (F C)  
 Cox v. Bannister (M D)  
 Saxon v. Blake (M D)  
 Helme v. Helme (M D)  
 Tredwen v. Hodge (F C)  
 Scatchird v. Scatchird (Cau.)  
 Carrick v. Green (F C)  
 Smith v. Wright (Cause)  
 Cooper v. Anderson (M D)  
 Cook v. Dakin (F C)  
 Gardiner v. Bennett (M D)  
 Haynes v. Wallace (M D)  
 Salter v. Ainsworth (F C)  
 Cock v. Dunn (M D)

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

CAUSES, &c.

Visct. Wellesley (now }  
 Earl of Mornington }  
 v. Earl of Morning- }  
 ton } (F C, 2 Sum. to vary  
 Countess of Morning- } certif., Pm. pt. hd.)  
 ton v. Visct. Welles- }  
 ley (now Earl of }  
 Mornington) }  
 Metropolitan Railway Co. v. }  
 Bailey (D)  
 Metropolitan Railway Co. v. }  
 Barker (D)  
 Pike v. Martin (D)  
 Fleck v. Wilson (Cause)  
 Eastland v. Carline (M D)  
 Clark v. Eldridge (M D)  
 Reynolds v. Wheelhouse (Ca.)  
 Davies v. Marshall (M D)  
 Powell v. Trotter (M D)  
 Burgess v. Castley (Cause)  
 Hughes v. Chester and Holy- }  
 head Railway Co. (M D)  
 Pickles v. Pickles (Cause,  
 part heard)  
 Brooks v. Keith (Cause)  
 Hutton v. Hutton (M D)  
 Beachcroft v. Lewes (Sp. C.)  
 Cadle v. Woollett (M D)  
 Harrison v. Cresswell (Cause)  
 Vickers v. Williamson (M D)  
 Berkeley v. Whitley (Cause)  
 Hicks v. Hicks (F C)  
 Haynes v. Haynes (F C)  
 Wase v. Pettinger (M D)  
 Day v. Hair (M D)  
 Drennan v. Andrew (M D)

Whitehead v. Bennett (F C)  
 Portarlington v. Damer (F D,  
 2 Ptns)  
 Berkeley v. Whitley (Cause)  
 Hull v. Heygate (M D)  
 Woodroffe v. Barry (M D)  
 Lows v. Kekwick (M D)  
 Tibbitts v. Smith (M D)  
 Thackthwaite v. Hopkinson  
 (M D)  
 Wason v. Kempeon (Cause)  
 Drakeford v. Stubbs (F C,  
 Summons to vary certif.)  
 France v. Ernest (Cause)  
 Gregory v. Marshall (F C)  
 Parker v. Hodgson (M D)  
 Broughton v. Cheesewright  
 (M D)  
 De Porquet v. Wagener (Ca.)  
 Morris v. Morris (M D)  
 Wallis v. Foster (M D)  
 Greasley v. Green (F C)  
 Smith v. Domville (F C)  
 Dulany v. Lloyd (F C)  
 Guillon v. Wason (M D)  
 Wyndham v. Rickford (M D)  
 Haylock v. Rowbotham (F C)  
 Colyer v. Colyer (M D)  
 Wright v. Salmon (F C)  
 Finch v. Gent (M D)  
 Mawe v. Heaviside (F C)  
 Shaw v. Johnson (F C)  
 Mitchell v. Mitchell (M D)  
 Micklethwait v. Micklethwait  
 (F C)  
 Gunn v. Bezley (F C)

*Before the Vice-Chancellor Sir JOHN STUART.*

CAUSES, &c.

Eversfield v. Clark (M D)  
 Towle v. National Guardian  
 Assurance Society (M D)  
 Gilbert v. Poore (M D)  
 Trotman v. Fleisher (M D)  
 Secretary of State in Council  
 of India v. Kelson (M D)  
 Macnaghten v. Smith (M D)  
 Draper v. Manchester, Shef-  
 field, & Lincolnshire Rail-  
 way Co. (M D)  
 Pfeil v. Page (M D)  
 M'Master v. Williams (M D)  
 Att.-Gen. v. Bond (M D)  
 Barlow v. Jones (Cause)  
 Webb v. Holton (M D)  
 Tardrew v. Howell } (F C)  
 Same v. Same }  
 Parry v. Howell }  
 Ruxton v. Richardson (M D)  
 Graham v. Graham (M D)  
 Clegg v. Clegg (Cause)  
 Matson v. Dennis (M D)  
 Matson v. A. Dennis (M D)  
 Wheeler v. Unsworth (M D)  
 Hawkins v. Pring (M D)  
 Tootal v. Dickinson (M D)  
 Prole v. Newman (M D)  
 Hughes v. Hughes (M D)  
 Keyworth v. Cooper (M D)  
 Swift v. Cunningham (F C)  
 Gould v. Taylor (F C)  
 Dicker v. Woodbridge (M D)  
 Barnett v. Barnett (M D)  
 Berry v. Berry (M D)  
 Pipes v. Pipes (Cause)  
 Hewet v. Jarvis (Cause)  
 Smith v. Hanbury (M D)  
 Heath v. Greenhill (M D)  
 Knowles v. Greenhill (M D)  
 Bowles v. Rump (M D)  
 Jones v. Parry } (F C, Ptn,  
 Jones v. Ben- } In re  
 nion } Bolden)  
 Stamford, Spalding, & Boston  
 Banking Co. v. Ball (M D)  
 Wells v. Polley (F C)  
 Burman v. Tarleton (M D)  
 Forrest v. Eicks (M D)  
 Sherlock v. Rosbotham (F C)  
 Oriental Bank Corporation v.  
 Coleman (Cause)  
 Saunders v. Parry (F C)  
 Hopkins v. Phillips (M D)  
 Southgate v. Martin (M D)  
 Williams v. Ardill (Cause)  
 Whiteway v. Fisher (F C,  
 Summons)  
 Bulkeley v. Stephens (M D)  
 Greasley v. Mousley (F C)  
 Rookes v. Kingdon (F C, M)  
 Crosbie v. M'Henry (M D)  
 Birtwistle v. Birtwistle (F C)  
 Birtwistle v. Hawarth (M D)  
 Nicholson v. Fowler (M D)  
 Strong v. Gery (M D)  
 Pound v. Vickers (F C)  
 Frankland v. Frankland (M D)  
 Bury v. M'Whinnies (M D)  
 Leach v. Richardson (M D)  
 Wyatt v. Bigg (M D)  
 J. H. Dawson v. Dawson (F C)  
 Avery v. Sutcliffe (Cause)  
 Cardinal v. Molyneux } (M  
 Same v. Same } D)  
 Davies v. Parry (F C)  
 Melhuish v. Harward (F C)  
 Todd v. Todd (M D)  
 Sucksmith v. Sucksmith (M D)  
 Smith v. Parkinson (F C)  
 Trim v. Knight (F C)  
 Beckwith v. Booth (M D)  
 Bedborough v. Bell (M D)  
 Jenner v. Prichard (M D)  
 Braidwood v. Hadden (F C)  
 Fleisher v. Trotman (Cause).

*Before the Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Sidebotham v. Horsfield (M D, part heard)  
 Lambert v. Tennant (E to an.)  
 Moorsom v. St. George's Har-  
 bour Co. (D)  
 Perkins v. Mellor (F C)  
 Cotton v. Cripps (M D)  
 Consolidated Investment and  
 Assurance Co. v. Garner  
 (Cause)  
 Joel v. Mills } (F C)  
 Harvey v. Mills }  
 Joel v. Mills (M D)  
 Lee v. Dawson (M D)  
 Higgs v. Budworth (M D)  
 Basham v. Rose (Cause)  
 Maddison v. Chapman (M D)  
 Poore v. Wright (F C)  
 Clayton v. Finch (F C, Ptn)  
 Turner v. Mullineaux } (F C,  
 Turner v. Turner } Ptn)  
 Lewin v. Allen (M D) Jan. 14  
 Thayer v. Lister (Cause)  
 Lorkin v. London and North-  
 western Railway Co. (M D)  
 Jan. 14  
 Whalley v. Ramage (Cause)  
 Williams v. Lewes (Cause)  
 Phippen v. Phippen (M D)  
 Phippen v. Bath (F C)  
 Coston v. Gardner (Cause)  
 Clayton v. Cowland (M D)  
 Morgan v. Redman (M D)  
 Prince Alexander Torlonia v.  
 Wiesbaden Railway Co. (M D)  
 Ackroyd v. Mitchell (F C)  
 Jeffries v. Drysdale (M D)  
 Swanzy v. Swanzy (Cause)  
 Niven v. Overbury (Cause)  
 Isaac v. Stuart (Cause)  
 North-eastern Railway Co. v.  
 Mayor, Aldermen, and Bur-  
 gesses of South Shields  
 (Cause)  
 Price v. Patent Fuel Co., Li-  
 mited (M D)  
 Lumby v. Lumby (M D)  
 Newby v. Harrison (M D)  
 Johnson v. Beaver (M D)  
 Tuckley v. Thompson (F C)  
 Seymour v. Harris (Cause)  
 Pitcher v. Randall (F C, ad-  
 journed Summons)  
 Drake v. Row (M D)  
 Lancashire Insurance Co. v.  
 Ewart (Cause)  
 Heming v. Leitchild (F C)  
 Basten v. Heath (M D)  
 Jowett v. Elliott (M D)

Knight v. Brown (Cause)  
 Coleman v. Butcher (M D)  
 Napper v. Napper (Cause)  
 Hutchins v. Smith (Cause)  
 Hope v. Fox (M D)  
 Hargreaves v. Wildman (Can)  
 Bettney v. Bettney (M D)  
 Fenton v. Hankins (M D)  
 Monypenny v. Monypenny  
 (M D)  
 Selby v. Pomfret (M D)  
 Deane v. Foster (M D)  
 Parkes v. Mills (M D)  
 Dawkins v. Mortan (M D)  
 Chambers v. Vernon (M D)  
 Fleming v. Rodocanachi (M  
 D)  
 Frend v. Dennett (M D)  
 Clarke v. Wardrop (M D)  
 Horns v. Anglo-Australian  
 and Universal Family  
 Life Assurance Co. (Cause)  
 Lister v. Same  
 Acraman v. Corbett (Cause)  
 Sharp v. Emmett (M D)  
 Hawkins v. Hawkins (M D)  
 Brocklehurst v. Broughton  
 (M D)  
 Gale v. Barnwell (Cause)  
 Sooby v. Sooby (F C)  
 Potter v. Potter (M D)

Mitchell v. Smart (M D)  
 Thellusson v. Defontaine (M  
 D)  
 Woodward v. Hudson (M D)  
 Dedde v. Fuller (M D)  
 Dunkley v. Lambert (Sp C)  
 Nixon v. West Midland Rail-  
 way Co. (M D)  
 Hervey v. Mills (M D)  
 Isherwood v. Wilson (M D)  
 Peover v. Hassall (M D)  
 Neale v. Puttock (M D)  
 Dalton v. Spencer (M D)  
 Kennett v. Hunt (F C)  
 Woolcombe v. Brown (M D)  
 Gray v. Norris (M D)  
 Garton v. Pascoe (M D)  
 Bilton v. Thomas (F C)  
 Whitehead v. Roper (M D)  
 Probert v. Powell (F C)  
 Ashton v. Ashton (M D)  
 Taylor v. Price (Cause)  
 Balm v. Langham (F C)  
 Mayhow v. Maxwell (M D)  
 Ley v. Scamp (Cause)  
 Lawson v. Foster (F C)  
 Sadler v. Munn (M D)  
 Turton v. Mappin (M D)  
 Westropp v. Westropp (M D)  
 Merriman v. Ward (F C)

Duke-street, Smithfield, City, tailor, Jan. 28 at 1, London,  
 last ex.—*John Brinslow, Richard Daniels, and Samuel  
 Daniels*, Leigh, Lancashire, silk manufacturers, Jan. 25 at  
 12, Manchester, last ex. of *Richard Daniels and Samuel  
 Daniels*.—*John Steels Lighthouse*, Liverpool, licensed vic-  
 tualler, Jan. 28 at 12, Liverpool, last ex.—*John S. Marshall*,  
 Billiter-street, City, shoe factor, Jan. 28 at 11, London, and  
 ac.—*Robert M. Bouch*, Liverpool, general warehouseman,  
 Jan. 25 at 11, Liverpool, and ac.; Feb. 15 at 11, div.—*H.  
 Pickering*, Barnley, Lancashire, brushmaker, Feb. 1 at 12,  
 Manchester, and ac.—*John Cronshaw and William Cron-  
 shaw*, Edensfield, Lancashire, manufacturers, Feb. 1 at 12,  
 Manchester, and ac.; Feb. 8 at 12, div.—*J. Hughes*, Bir-  
 mingham, wire drawer, Feb. 7 at 11, Birmingham, and ac.;  
 Feb. 14 at 11, div.—*William Aisken*, Hanley Castle, near  
 Upton-upon-Severn, Worcestershire, baker, Feb. 8 at 11,  
 Birmingham, and ac.; Feb. 15 at 11, div.—*Joseph Brooks*,  
 Birmingham, licensed victualler, Feb. 14 at 11, Birmingham,  
 and ac.—*William Knapton*, York, ironfounder, Jan. 24 at  
 11, Leeds, and ac.—*Joseph Ambler*, Bradford, Yorkshire,  
 worsted manufacturer, Jan. 24 at 11, Leeds, and ac.—*Robt.  
 Henry Anderson*, York, scrivener, Jan. 24 at 11, Leeds, and  
 ac.—*Angus Jennings and William Taylor Jennings*, Little  
 Tower-street, City, commission merchants, Feb. 6 at half-past  
 1, London, div.—*Elisha Arnold*, Flamstead, Hertfordshire,  
 straw-plait dealer, Feb. 6 at half-past 11, London, div.—*Jas.  
 Osborn Kent*, Waterloo-place, Limehouse, Middlesex, draper,  
 Feb. 6 at 12, London, div.—*John Jones*, Tanstall, Staffor-  
 dshire, ironmonger, Feb. 14 at 11, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Yazley*, Providence-yard, Vauxhall-bridge-road,  
 Westminster, Middlesex, farrier, Feb. 14 at 1, London.—  
*Joseph Hollings*, Charles-street, Hampstead-road, Middlesex,  
 cowkeeper, Feb. 5 at half-past 12, London.—*Giovanni Porpa*,  
 St. James's-street, Westminster, Middlesex, tailor, Feb. 6 at  
 2, London.—*Wm. Harris* the younger, Ilford, Essex, miller,  
 Feb. 5 at 12, London.—*Robt. Clarke Ward*, Queen's-terrace,  
 Marlborough-road, Chelsea, Middlesex, linendraper, Feb. 6 at  
 half-past 12, London.—*John H. Raw*, Ware, Hertfordshire,  
 clothier, Feb. 6 at half-past 11, London.—*S. Head*, Wood-  
 bridge, Suffolk, upholsterer, Feb. 5 at 12, London.—*Charles  
 Maidlow*, Alma-square, Hill-road, St. John's-wood, Middle-  
 sex, beer retailer, Feb. 5 at 1, London.—*John Martin*,  
 Sedgley, Staffordshire, innkeeper, Feb. 15 at 11, Birming-  
 ham.—*Geo. Crowther Ryland*, Birmingham, coal merchant,  
 Feb. 4 at 11, Birmingham.—*Benjamin Rhodes and George  
 Rhodes*, Nottingham, brassfounders, Feb. 12 at 11, Notting-  
 ham.

*To be granted, unless an Appeal be duly entered.*

*Charles Herbert*, Churton-street, Belgrave-road, Pimlico,  
 Middlesex, printer.—*Lewis Powell*, Chapel-place, Caven-  
 dish-square, Middlesex, builder.—*Benjamin Gibbs*, Ber-  
 mondsey-st., Southwark, Surrey, leather merchant.—*Alfred  
 Edward Hopkins*, Gresham-street, City, and Shrewsbury,  
 Shropshire, law stationer.—*Benjamin Kurz*, Rathbone-place,  
 Oxford-street, Middlesex, manufacturing jeweller.—*Eliza-  
 beth Lynn Moore*, widow, Dorking, Surrey, carpenter.—*J.  
 Addinell*, Stockton-upon-Tees, Durham, druggist.—*George  
 Royle*, Sutton, near St. Helens, Lancashire, flint-glass man-  
 ufacturer.—*John Cubbon*, Liverpool, joiner.—*William James  
 Welch*, Nantwich, Cheshire, coachbuilder.—*George Fielder*,  
 Manchester, woolstapler.—*Henry Grant*, Cardiff, Glamor-  
 ganshire, ship chandler.

#### SCOTCH SEQUESTRATIONS.

*Wm. Ross & Co.*, Evanton, Kiltarn, Ross-shire, drapers.—  
*William Macdonald*, Glasgow, insurance agent.—*Alex.  
 Guthrie*, Glasgow, merchant.—*Charles M'Gregor*, Stanley,  
 Perthshire, cattle dealer.

**JOHN ROUTH**, Broad-street-buildings, City, merchant,  
 Jan. 29 at 2, and Feb. 26 at 1, London: Off. Ass. Ed-  
 wards; Sol. Elmslie, 10, Lombard-street, London.—Pet. f.  
 Jan. 4.

**CHRISTOPHER HOOD and JOHN NIXON**, Nuneaton,  
 Warwickshire, elastic web manufacturers, Jan. 28 and  
 Feb. 20 at 11, Birmingham: Off. Ass. Whitmore; Sols.  
 Minster & Son, Coventry; Reece, Birmingham.—Pet. d.  
 Jan. 8.

**CHARLES HUMPHREY COX**, Leamington Priors and  
 Coventry, Warwickshire, jeweller, Jan. 28 and Feb. 20 at  
 11, Birmingham: Off. Ass. Whitmore; Sols. Pallett,  
 Coventry; Hodgson & Allen, Birmingham.—Pet. d.  
 Jan. 14.

**JOSEPH MAURICE MARKS**, Birmingham, cabinet maker,  
 Feb. 1 and 22 at 11, Birmingham: Off. Ass. Whitmore;  
 Sol. Reece, Birmingham.—Pet. d. Jan. 7.

**WILLIAM FRANCIS LAWRENCE**, West Bromwich, Staf-  
 fordshire, draper, Jan. 25 and Feb. 15 at 11, Birmingham:  
 Off. Ass. Kinnear; Sol. Smith, Birmingham.—Pet. d.  
 Jan. 14.

**WILLIAM ADAMS**, Nottingham, painter, Jan. 31 and Feb.  
 26 at 11, Nottingham: Off. Ass. Harris; Sols. Cowley &  
 Everall, Nottingham.—Pet. d. Jan. 1.

**RICHARD WOOD MARKHAM**, Bradford, Yorkshire, ha-  
 berdasher, Jan. 28 and Feb. 18 at 11, Leeds: Off. Ass.  
 Hope; Sols. Terry & Watson, Bradford; Bond & Barwick,  
 Leeds.—Pet. d. Jan. 11.

**HENRY BROWN and BROOK HODGSON**, Halifax, York-  
 shire, velvet manufacturers, (under the style or firm of  
 Henry Brown & Co.), Jan. 25 and Feb. 22 at 11, Leeds:  
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 Barwick, Leeds.—Pet. d. and f. Jan. 9.

**JAMES WAGSTAFF**, Alfreton, Derbyshire, draper, Jan. 26  
 and Feb. 23 at 10, Sheffield: Off. Ass. Brewin; Sols.  
 Campbell & Co., Nottingham.—Pet. d. and f. Jan. 12.

**BOWLAND WILLIAM CONNELL**, Liverpool, dealer in  
 teas, Jan. 25 and Feb. 18 at 11, Liverpool: Off. Ass. Can-  
 zovne; Sol. Rymer, Liverpool.—Pet. f. Jan. 14.

**JOHN HALL**, late of Bolton, manufacturer, and now of  
 Belmont, Lancashire, manager of a cotton mill, Jan. 30  
 and Feb. 19 at 12, Manchester: Off. Ass. Fraser; Sols.  
 Richardson & Hinnell, Bolton and Manchester.—Pet. f.  
 Jan. 11.

#### MEETINGS.

*Hugo Dulles*, Fore-street, Cripplegate, City, general mer-  
 chant, Jan. 28 at 1, London, last ex.—*Thomas Whitehead*,

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*George James M'Lennan and John William Bird*, Osneyburgh-street, Regent's-park, Middlesex, builders, Feb. 8 at 1, London.—*John Charles Partridge*, Langley-place, Commercial-road, Middlesex, shoe manufacturer, Feb. 8 at 2, London.—*William North Rees*, Gracechurch-street, printer, Feb. 8 at 12, London.—*Henry John Mitchell*, Park-street, Grosvenor-square, Middlesex, licensed victualler, Feb. 8 at 12, London.—*John Pearce*, Holborn-hill, Middlesex, woollen draper, Feb. 5 at half-past 1, London.—*James Pritchard*, Newnham, Gloucestershire, saddler, March 4 at 11, Bristol.—*Maria Coward*, Church Coniston, Lancashire, grocer, Feb. 7 at 12, Manchester.—*Geo. Russell*, Leamington Priors, Warwickshire, hotel keeper, Feb. 11 at 11, Birmingham.—*Thos. Townson*, Leamington Priors, Warwickshire, chemist, Feb. 11 at 11, Birmingham.—*Henry Walker*, Leicester, hatter, Feb. 12 at 11, Nottingham.—*John Wood*, Birkenhead, Cheshire, licensed victualler, Feb. 8 at 11, Liverpool.—*E. Dawson*, Sheffield, Yorkshire, music seller, Feb. 9 at 10, Sheffield.—*Joseph W. Crawford*, Lincoln, grocer, Feb. 20 at 12, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*Anthony Harris*, Sevenoaks, Kent, licensed victualler.—*Wm. Boyes*, East Dereham, Norfolk, printer.—*Thos. Clark*, Midhurst, Sussex, tanner.—*James Stephenson*, Crawford-street, Bryanstone-sq., St. Marylebone, Middlesex, cabinet maker.—*James Wells*, Liverpool, toy dealer.—*John Turner*, Halifax, Yorkshire, grocer.—*John Thornhill*, Sheffield, Yorkshire, awl blade manufacturer.—*Matilda Archer*, Filey, Yorkshire, grocer.—*Samuel Rutherford*, York, draper.—*George Swales*, Doncaster, Yorkshire, hotel keeper.—*Thos. Parkes*, Kilver, Staffordshire, spade manufacturer.—*John Cartwright*, Frankton, Whittington, Shropshire, builder.—*Henry R. English*, Brerley-hill, Staffordshire, licensed victualler.—*James Llewellyn*, Hereford, saddler.—*J. Rogers*, Shrewley, near Hatton, Warwickshire, builder.

## PETITION ANNULLED.

*John T. Holden*, Birmingham, jeweller.

## PARTNERSHIPS DISSOLVED.

*John Bayldon and Joseph Bayldon Rayner*, Horbury, Yorkshire, attorneys and solicitors.—*Henry Franks Waring and Wm. Sladden*, Lyme Regis, Dorsetshire, and Colyton, Devonshire, attorneys, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*Mrs. Elizabeth Scott*, Edinburgh.—*J. & W. Parker*, Girvan, Ayrshire, brass foundry.—*The Clyde Galvanizing Company*, Mavisbank, Govan, Lanarkshire.—*T. Brownlie*, Glasgow, bootmaker.—*John Steuart*, Glasgow, house agent.—*James Johnston*, Galashiels, manufacturer.

## TUESDAY, Jan. 22.

## BANKRUPTS.

JOHN ROGERS, Merthyr Tydfil, Glamorganshire, draper, Feb. 5 and March 5 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Co., Bristol.—Pet. f. Jan. 9.

WALTER ELLIOTT, Bedminster, Dorsetshire, grocer, Jan. 31 and March 7 at 12, Exeter: Off. Ass. Hirtzel; Sols. Fox, Bedminster; Bishop & Pitts, Exeter.—Pet. f. Jan. 21.

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## THE JURIST.

LONDON, JANUARY 26, 1861.

LORD BACON, when Attorney-General, made a proposition to his Majesty King James I, "touching the compiling and amendment of the laws of England," which, though never as yet carried out, should not, we think, be forgotten.

If that great man had been entrusted by the royal pedant with adequate means, or received from him sufficient encouragement, the noble work which he proposed for himself and his coadjutors—for he said it "must be the work of many"—would have remained a monument by which his name would have been rendered equally illustrious as a jurist as it is as the founder of a school of philosophy.

He saw no insuperable difficulties in the completion of the work; he considered it "safe and convenient;" and whilst he asserted that it was "no vast nor speculative thing, but real and feasible," he was fully impressed with its importance and dignity, and caring, as all really great men do, not for mere temporary applause, power, or popularity, he looked forward to a time when future generations should reap the fruit and acknowledge the value of his labours. "I am in good hope," he says, "that when Sir Edward Coke's reports, and my rules and decisions, shall come to posterity, there will be (whatsoever is now thought) no question who was the greater lawyer."

The work proposed by Bacon consisted of two parts—first, the digest or recompileing of the common law; and, secondly, that of the statutes. Bacon thought, wisely, that "the necessity of the work was greater in the statute law;" the statutes, even in those days, which were in force, being so mixed up with those obsolete and out of date, that he poetically described the former as enduring the torment of Mezentius—"the living died in the arms of the dead." And if this was true in the time of King James I, how much more so is it in the time of Queen Victoria!

Bacon, in his proposition, laid down that the reforming and recompileing of the statute law consists of four parts:—

1. "The first, to discharge the books of those statutes whereof the cause, by alteration of time, is vanished," and of which he gives some examples, and adds, "Those nevertheless may remain in the libraries for antiquities, but no reprinting of them. The like of statutes long since expired and clearly repealed; for if the repeal be doubtful, it must be so propounded to the Parliament."

2. "The next is, to repeal all statutes which are sleeping, and not of use, but yet snaring and in force. In some of those it will, perhaps, be requisite to substitute some more reasonable law instead of them, agreeable to the time; in others a simple repeal may suffice."

3. The third, "that the grievousness of the penalty in many statutes be mitigated, though the ordinances stand."

4. "The last is, the reducing of concurrent statutes, heaped one upon another, to one clear and uniform law."

\* See Bacon's Law Tracts, 1.

† Id. 2.



That part of the proposed work which concerned the statute laws Bacon thought "must of necessity come to Parliament, as the Houses would best like that which themselves guide, and the persons that themselves employ." He then suggests that "the way were to imitate<sup>o</sup> the precedent of the Commissioners for the Canon Laws, in the twenty-seventh year of the reign of Henry VIII, and the fourth year of the reign of Edward VI, and the Commissioners for the Union of the two Realms, primo of his Majesty, and so to have the commissioners named by both Houses, yet not with a precedent power to conclude, but only to propound to Parliament." And "this," he concludes, "is the best way, I conceive, to accomplish this excellent work of honour to your Majesty's times, and of good to all times, which I submit to your Majesty's better judgment."

It appears that the work suggested by Bacon was actually commenced by Lord Hobart, Bacon, Serjeant Finch, Mr. Heneage Finch, Mr. Noye, Mr. Hackwell, and others, and must have made considerable progress, for the result of their labours is stated to have been "of great bulk." Bacon's project, however, failed, because he did not receive that support from the King and Parliament which both the man and the work demanded. The recent attempt by the Statute-law Commissioners failed, notwithstanding it received the support of Parliament and the good wishes of the nation, because there was no Bacon to infuse into it his spirit or to superintend its operations.

We ought not, however, to be discouraged by our recent failure from attempting a work of such great and manifest utility. The present state of our statute law is simply disgraceful, and unworthy of a great country. It is true that some of the evils complained of by Bacon have been partially removed—the "grievousness of the penalties" of our former sanguinary criminal statutes have been mitigated, many "concurrent statutes heaped one upon another" have been consolidated, and many sleeping and obsolete statutes have been repealed; nevertheless the statutes, with their enormous bulk, still remain before us—a chaotic mass, which no one can pretend to master, and which every one who either is engaged in the practice or administration of the law with just reason dreads—dreads lest, in considering any questions of law, some statute may lie hid which his industry may not be able to unearth—dreads lest, if found, it may be conceived in such language as passes the understanding of man to comprehend.

The suggestion of Bacon, that commissioners to undertake the reduction and consolidation of the statute laws should be appointed by the Houses of Parliament, ought, we think, to be attended to, not only on account of the weight which advice falling from so great a man naturally carries with it, but because it is supported both by reason and precedents.

Some one, however, should take the initiative in one of the Houses of Parliament—either the Lord Chancellor in the House of Lords, or the Attorney-General in the House of Commons.

Should Lord Campbell attempt, and succeed in ac-

complishing, so great an undertaking, even though his *written* judgments may not take rank with those of Lords Hardwicke, Eldon, and Cottenham, he would nevertheless be long remembered as one of the most eminent Chancellors.

Failing the Lord Chancellor, will not the Attorney-General, Sir Richard Bethell, essay the task? It is worthy of the high reputation which he has already deservedly achieved, and will form no mean instalment of those measures of law reform which he has so long and so consistently advocated, and which the country, if not his party, expect from him.

It is true, we believe, that at present some progress is being made in the indexing of the Statute Book by two gentlemen of considerable ability and industry, but from their unassisted efforts we cannot expect much. "*The work*," to use again the words of Lord Bacon, "*must be the work of many*."

To any one of adequate abilities and position, putting himself in the position Bacon sought in vain to occupy, the Bar would furnish an abundance of learned and industrious coadjutors, who would be able at no distant period "to prepare and propound to the Houses of Parliament" such a reduction and consolidation of the Statute Book as they might readily, or with slight modifications, adopt, which would realise the sanguine dreams of Lord Bacon, and satisfy the wants of the nation.

This work being accomplished, the other part of Lord Bacon's proposition—the digest or recompiling of the common laws, in which should be now included all branches of jurisprudence as administered by our various Courts, and which depend upon unwritten law or the decisions of judges, as distinguished from written law or acts of Parliament—should be attempted; and if attempted in a proper spirit, and with adequate means, it might be completed in such a manner as to form a lasting benefit to the British Empire and race, and might take its place with, even if not above, the Pandects of Justinian or the Code of the first Napoleon.

## RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

IN pursuance of the provisions contained in the 26th section of the 22 & 23 Vict. c. 21, intituled "An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer," it is ordered that the following rules, in respect of the matters hereafter mentioned, shall be in force on the Revenue Side of the Court of Exchequer.

### GENERAL RULE AS TO ISSUING WRITS.

1. All writs to be hereafter sued out by the solicitor of any department, or by any attorney, shall be prepared by the solicitor of such department, or by the attorney suing out the same; and the name of such solicitor, or the name and address of such attorney, together with the name of the department, if any, on behalf of which the writ is sued out, shall be indorsed thereon; and every such writ shall, before the issuing thereof, be sealed at the Queen's Remembrancer's Office, and a præcipe thereof left at the said office; and thereupon an entry of every such writ, together with the date of sealing, and the name of the solicitor or attorney suing out the same, shall be made in a book, to be kept at the Queen's Remembrancer's Office for that purpose; and all writs, of whatever description, to be hereafter issued from the said Queen's Remembrancer's Office, shall be tested of the

\* "King Henry VIII, in the twenty-seventh year of his reign, was authorised by Parliament to nominate thirty-two commissioners, part ecclesiastical, part temporal, to purge the canon law, and to make it agreeable to the law of God and the law of the realm; and the same was revived in the fourth year of Edward VI, though neither took effect." (Bacon's Law Tracts, 7).

day, month, and year when issued; but in case any writ or writs of extent or *diem clausit extremum* shall issue within twenty-one days from the date of the fiat, the same may bear teste the date of the fiat, provided that this rule is not to affect the right of the Crown applying to the court or a judge for a writ of extent or *diem clausit extremum* tested the date of the fiat, nor to affect commissions for inclosing waste land in any of the royal forests, process against parishes or collectors under the 5 & 6 Will. 4, c. 20, s. 11, or commissions for taking the bond of a public officer, which may be issued as at present.

*Subpoena ad Respondendum.*

The proceeding by subpoena ad respondendum may be thus:—

2. The writ of subpoena may be either in Form 1, 2, or 3, Schedule (A.), according to the circumstances, and shall be in force six calendar months from the date thereof; and at any time during six months from the issuing or renewing, as hereinafter mentioned, of the original writ of subpoena, one or more concurrent writ or writs may issue, each concurrent writ to bear teste of the same day as the original writ, and to be sealed and marked "concurrent," and the date of issuing the concurrent writ; and such concurrent writ or writs shall only be in force for the period during which the original writ of subpoena shall be in force; but if any defendant therein named may not have been served therewith, the original or concurrent writ of subpoena may be renewed, at any time before its expiration, for six months from the date of such renewal, and so from time to time during the currency of the renewed writ, by being sealed and marked of the day, month, and year of such renewal; and a writ of subpoena so renewed shall remain in force, and be available to prevent the operation of any statute whereby the time for the commencement of the suit may be limited, and for all other purposes, from the date of the issuing of the original writ of subpoena.

3. In order to proceed to judgment under the following rules, the service of the writ shall, where practicable, be personal; but the order of a judge may be obtained, under special circumstances, on affidavit, to dispense with personal service, and to proceed as is the practice on the common-law side of the court.

4. The appearance to be in fourteen days from the day of service, inclusive of the day of service.

5. If the defendant does not appear according to the exigency of the writ, judgment may be signed on filing an information, if not previously filed, and an affidavit of service, or the order to proceed; and in all cases where the claim is in respect of a debt, penalty, or liquidated demand in money, execution may issue in fourteen days from the day of signing judgment.

6. If the defendant appears in due time, a copy of the information must be delivered to the defendant, or his attorney in case he appears by attorney, and notice given (either on the information or separately) to plead in fourteen days from the day of service of such notice, otherwise judgment.

7. The defendant may appear at any time before judgment actually signed; but if he does so after the ordinary time for appearance, he or his attorney must in such case forthwith give notice to the solicitor of the department, or the attorney issuing the writ, that he has appeared.

8. If the defendant appears after the time for appearance, and before information filed, a copy of the information is to be delivered, with notice to plead as before mentioned; and if the defendant appears after the information has been filed, and before judgment signed, notice is to be given to him or to his

attorney, at the office of the Queen's Remembrancer, of the day when the information was filed, and he may obtain an office copy thereof on payment for the same; and he must plead thereto within four days from the date of his appearance, otherwise judgment may be signed against him.

9. When a defendant appears in person, the delivery of all rules, notices, and other proceedings may be made at the address given by him on entering his appearance.

(To be continued).

THE CANADA EXTRADITION CASE.

THIS matter continues to occupy a considerable share of the public attention. Many letters on the subject have been addressed to the public journals, of which we select the following:—

*To the Editor of the Times.*

Sir,—In a case of such vast importance in its consequences as that of the fugitive slave Anderson, I trust you will allow me to occupy a small portion of your columns, in order to point out to your readers the circumstances under which the British Legislature ratified by act of Parliament the treaty under which the surrender of Anderson was claimed.

On the second reading of the bill in the House of Commons, on the 11th August, 1843, Sir F. Pollock, the Attorney-General of the day, explained the objects of the bill. He was followed by the late Lord Macaulay, who, in the course of his speech, made the following remarks: he said—

"Take the case of a slave who had committed murder in his own defence. Suppose a man scourged him, pursued him. The slave had surely the right to resist, and, in his defence, to kill his assailant. By the law of England that would be justifiable homicide. By the law of Georgia it would be murder." &c.

The Attorney-General said, "that in all the cases put by the right hon. gentleman no doubt could arise. The bill expressly said the fugitives must be tried by the laws of the country where they were found."

Mr. Macaulay asked "whether he was to understand, then, that an action not criminal in a free man, would be held not to be criminal in a slave?"

The Attorney-General said "he was of opinion that an English magistrate would not be at liberty to enter into the question as to whether the fugitive brought before him was a slave or not. He could only enter into such questions of common law (which, of course, means English law) as might arise out of the case; and if the accused person was not shewn to be a criminal, no extradition could take place."

Viscount Palmerston "did not go so far as some of his friends as to the effects of this bill, and the explanation of the hon. and learned gentleman had gone far to remove the apprehensions which he might have entertained. He understood that in no case where a slave was charged with the offence of murder or robbery would any English magistrate be justified in delivering him up for trial, unless the offence he was charged with was one which was looked upon as murder or robbery by the law of England; and he apprehended that any act that a slave might commit in resisting the coercion of his master could not amount to murder, and would not justify a magistrate in giving up the fugitive."

The Attorney-General said nothing to qualify his previous explanations, nor did any other member of the Government dissent. On the contrary, the present Lord Derby (then, if I mistake not, Colonial Secretary) used these words:—

"No fugitive could, under the treaty, be surrendered as a murderer unless his offence were such as our laws would qualify with this epithet."

I make no comment upon the above extracts from Hansard, 3rd series, vol. lxxi, pp. 565-579, beyond calling attention to the fact that the words of the treaty, including its proviso, to the effect that the evidence of "criminality" must be evidence of that which would constitute an offence in the country where the fugitive is "found," are expressly and verbatim recited in the English act, which thus passed its second reading; and that the Canadian act is a mere substitute for the English act so carried through the House of Commons.

I have the honour to be, sir,

Your obedient servant,

Temple, Jan. 15.

GEORGE DENMAN.

*To the Editor of the Times.*

Sir,—As you have lately done me the favour of inserting in your paper a letter which I addressed to you on the subject of the negro Anderson, I fear that, in now again presenting myself to your notice on the same subject, I may appear intrusive; but I am impelled by a sense of duty to endeavour to bring before the public, with your aid, a view of this case which had not occurred to me when I wrote last, and which no one, I believe, has hitherto suggested in the course of this controversy, though its importance is, to the best of my judgment, very considerable.

The extradition treaty and the statute of Canada both refer, as I understand, in their terms, to "persons" charged with murder or other crimes. Now, I conceive that the word "persons" cannot be here construed as extending to slaves. It must be confined to the men, women, and children to whom the general rights and liabilities of sentient beings attach, and has no reference to those whose social condition is so peculiar as to deprive them of the rights which all others enjoy, and to subject them to liabilities from which all others are exempt.

One of the most marked and hideous features of slavery, as established in America, I apprehend to be, that the negro is merely property—in other words, that he is a chattel, and not a "person;" and, though there may be laws in that country so far protecting him as to make it penal to deprive him of life or member, this cannot properly be considered as investing him with civil rights, or raising him above the character of civil impersonality, any more than in England is the case with cattle because protected by a statute which makes it penal to treat them with cruelty. Accordingly we shall find, I believe, that this idea of the slave's impersonality is always pursued in the phraseology of those American statutes in which it becomes necessary to mention him. These will be found, I think, invariably to speak of slaves as nomine, and never to designate them as "persons;" nor will there be any exception even where there is occasion to speak of the free and the servile within the same enactment; for in such case they will be described not cumulatively as "persons," but distributively as "free persons and slaves;" or, perhaps, as "all persons whatever, whether free or slave;" in which latter case (supposing it to occur) the word "person" would be used in a peculiar sense, being qualified by the words which follow. To return, then, to the treaty and the Canadian statute, there seems strong reason for holding that their provisions with respect to "persons" charged with murder, &c. must have been understood, both on the English and American side, as pointed at free persons, or persons of the ordinary social condition, without reference to those who in

America were slaves; to which we may add, that if, on the English side, the idea of the American slaves had presented itself, they would presumably have been excluded in express terms, as there would otherwise be danger (as the event has proved) that, under the guise of an extradition law, our nation would be entrapped (through the medium of falsely charging the negro with a crime) into a law against the fugitive slaves of the Southern States of America—a result at which the bosom of every Englishman would heave with indignation.

I remain, sir, your obedient servant,

NEMO.

*The Morning Post* gives the following extract, bearing on this case, from the speech of Lord Aberdeen in the House of Lords, in moving the Extradition of Offenders Bill, on Friday, June 30, 1843:—

"He did not anticipate that any inconvenience could arise from the carrying out of this treaty, except what referred to the case of fugitive slaves; and this was, no doubt, a subject that would require the utmost caution on the part of those who would have to administer the law arising from the new relations between the two countries. Some people had supposed that a fugitive slave might be given up under this treaty. This, he must say, was a most unfounded notion. Not only was a fugitive slave guilty of no crime in endeavouring to escape from a state of bondage, but he was entitled to the sympathy and encouragement of all those who were animated by Christian feelings. But then it had been said that a slave running away might be accused of theft, on the ground that the very clothes he wore were not his own, but the property of his master. This, however, in his (the Earl of Aberdeen's) judgment, could never be construed into a theft. Nay, more, if a slave took a horse with him, or seized upon a boat, or, in short, appropriated to his use anything that was necessary to his flight, such an act could never be held to establish an animus furandi. Another point must be borne in mind, namely, that if at any time a fugitive slave should be demanded under this treaty, the demand would not be made by any slave State, but by the central Government at Washington, and this would in itself be a considerable security against any improper application. Another security would be found in the reference which would be made to the Home Government by the governors of colonies, in case of any difficulty arising, when the Home Government would of course be assisted by the best legal advice that could be obtained. But the great security was, that, by an express stipulation in the treaty, it was agreed that the article by which the two Governments bound themselves to a mutual surrender of criminals should continue in force only till one or other of the two Governments signified its intention to terminate it; so that, whenever inconveniences arose, either Government was at liberty to put an end to that part of the treaty, without being under the necessity of giving any notice beforehand."

*The Globe* of Monday says, that in pursuance of the rule of the Court of Queen's Bench granting a habeas corpus to bring up the body of the fugitive Anderson, as stated in our last number (p. 11), a messenger of that court proceeded with the writ on Saturday from Liverpool to Canada.

Mr. Colley Harman Scotland, of the Oxford Circuit, has been appointed Chief Justice of Madras, in the room of the late Sir H. Davison. Mr. Scotland was called to the bar in Michaelmas Term, 1843.

# **PUBLIC EXAMINATION OF STUDENTS.** HILARY TERM, 1861.

At the Public Examination of Students of the Inns of Court, held at Lincoln's-inn Hall, on the 8th, 9th, and 10th January, 1861, the Council of Legal Education awarded to—

Henry Ludlow, Esq., student of Lincoln's-inn, a Studentship of Fifty Guineas per annum, to continue for a period of three years.

Deane Parker Pennethorne, Esq., student of Lincoln's-inn; Joseph Greene, Esq., student of the Inner Temple; and Lewis Morris, Esq., student of Lincoln's-inn, Certificates of Honour of the First Class.

Charles Henry Blake, Esq., student of Lincoln's-inn; Frederick Tomkins, Esq., student of Lincoln's-inn; James Henry Ramsay, Esq., student of Lincoln's-inn; Bernard Oracraft, Esq., student of Lincoln's-inn; James Neilson Underwood, Esq., student of the Inner Temple; and Frederick James Quick, Esq., student of Lincoln's-inn, Certificates that they have satisfactorily passed a Public Examination.

By order of the Council,

(Signed) RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's-inn,  
Jan. 15, 1861.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society was held at its rooms, 3, Waterloo-place, on Monday, the 14th inst., Sir Fitzroy Kelly in the chair, when a paper was read by Serjeant Woolrych, on the "Opening of Sales in the Court of Chancery."

**JURIDICAL SOCIETY.**—A meeting of this society was held at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 21st inst., Mr. Westlake in the chair, when a paper was read by Mr. Nathaniel Lindley, "On some Errors in Legislation, illustrated by the Statutes relating to Joint-stock Companies."

**CHARLES WATSON**, Great Yarmouth, Norfolk, grocer, Jan. 31 at 11, and Feb. 28 at 2, London: Off. Ass. Johnson; Sols. Miller & Co., Norwich; Sole & Co., Aldermanbury.—Pet. f. Jan. 12.

**JOHN RISLEY**, Lombard-street, City, dealer in shares, Jan. 31 and March 8 at half-past 1, London: Off. Ass. Whitmore; Sols. George & Downing, 5, Slue-lane.—Pet. f. Jan. 21.

**THOMAS GEORGE TOMKINS**, Strand, Middlesex, bookseller, Feb. 4 at half-past 1, and March 6 at 11, London: Off. Ass. Pennell; Sols. G. S. & H. Brandon, 15, Essex-street, Strand, London.—Pet. f. Jan. 17.

**ROBERT LAING**, Forest Farm, near Seorton, Yorkshire, farmer, Feb. 4 and March 4 at 11, Leeds: Off. Ass. Hope; Sols. G. & G. T. Ahlson, Darlington; Carles & Cadworth, Leeds.—Pet. d. Jan. 10.

**THOMAS FLOOD**, Gomersal, Birstal, Yorkshire, woollen manufacturer, Feb. 4 and March 4 at 11, Leeds: Off. Ass. Hope; Sols. Cater, Bradford; Carles & Cadworth, Leeds.—Pet. d. Jan. 14.

**THOMAS PHILIP PONTON**, Wrexham, Denbighshire, grocer, Feb. 4 and 25 at 11, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool; Randles, Ellesmere, Shropshire.—Pet. f. Jan. 17.

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**JOSEPH RADCLIFFE**, Saddleworth, Yorkshire, butcher, Feb. 7 and 28 at 12, Manchester: Off. Ass. Hernaman; Sol. Gartside, Manchester.—Pet. f. Jan. 17.

## **MEETINGS.**

Edward Wason Freestone, Clarke's-place, High-street, Islington, Middlesex, milliner, Feb. 8 at 1, London, aud. ac.—

Eliza Arnold, Flomstead, Hertfordshire, straw-plait dealer, Feb. 1 at half-past 11, London, aud. ac.—Henry J. Mitchell, Park-street, Grosvenor-square, Middlesex, licensed victualler, Feb. 8 at 12, London, aud. ac.—Wm. Newland Williams, Farnham, Surrey, chemist, Feb. 5 at 12, London, aud. ac.—Abner Woodhall, Barnes Cray, Kent, felt manufacturer, Feb. 5 at half-past 2, London, aud. ac.—Wm. North Rees, Gracechurch-street, City, printer, Feb. 8 at 12, London, aud. ac.—Sarah Tranchard, widow, Wellington, Somersetshire, Feb. 7 at 12, Exeter, aud. ac.; Feb. 20 at 12, div.—Charles Coleman, Halgavor Mills, near Bodmin, Cornwall, seed merchant, Feb. 8 at 12, Exeter, aud. ac.; Feb. 20 at 12, div.—George Mark Palmer Daniel, Camelford, Cornwall, ironmonger, Feb. 6 at 12, Exeter, aud. ac.; Feb. 20 at 12, div.—Walter Lawrence, Budock, Cornwall, cowkeeper, Feb. 7 at 12, Exeter, aud. ac.; Feb. 20 at 12, div.—Daniel Platten, Dorchester, Dorsetshire, draper, Feb. 7 at 12, Exeter, aud. ac.; Feb. 20 at 12, div.—Charles Le Batt, Exeter Barracks, Exeter, messman, Feb. 6 at 12, Exeter, aud. ac.—J. S. Daintry, J. Ryle, and Wm. R. Ravencroft, Manchester, bankers, Feb. 7 at 12, Manchester, and ac. joint est., and aud. ac. sep. ests. of J. S. Daintry and J. Ryle; Feb. 14 at 12, div. joint est., and div. sep. ests. of J. S. Daintry and J. Ryle.—Wm. Balshaw, Bolton, cotton manufacturer, and Wigan, Lancashire, banker's clerk, Feb. 5 at 12, Manchester, aud. ac.; Feb. 12 at 12, div.—Jeremiah Tusnicliffe, Shelton, Staffordshire, retail brewer, Feb. 23 at 11, Birmingham, aud. ac.—George Freeman and Henry B. Wrixon, Blenheim-street, Oxford-street, Middlesex, glass merchants, Feb. 12 at half-past 12, London, div. sep. est. of Henry B. Wrixon.—Henry R. Watts, Blackman-street, Borough, Surrey, wine merchant, Feb. 14 at half-past 1, London, div.—Frederick Randall, Whitechapel-road, Middlesex, coach builder, Feb. 19 at 1, London, div.—George Almond and Richard Manlove the younger, Luton, Bedfordshire, straw-hat manufacturers, Feb. 12 at half-past 12, London, div.—Harry Cook, Lancaster-place, Strand, and Clement's-inn, Middlesex, navy agent, Feb. 13 at 11, London, div.—Henry Walker, Leicester, hatter, Feb. 12 at 11, Nottingham, aud. ac. and div.

## **CERTIFICATES.**

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

James Ford and Edward Young, North Portman-mews, Portman-square, and York-street, St. Marylebone, Middlesex, cabinet manufacturers, Feb. 13 at 12, London.—John W. Martin, Moor Farm, Yalding, Kent, farmer, Feb. 13 at half-past 12, London.—Wm. W. Baker and Henry Sendall, Old Bailey, City, manufacturing stationers, Feb. 12 at 1, London.—James Broadbridge, Arundel, Sussex, grocer, Feb. 12 at 12, London.—John A. Pouteau, Pond-street, Hampstead, and late of Southampton-street, Strand, Middlesex, printer, Feb. 12 at half-past 11, London.—Moses Moses, Devonshire-square, City, merchant, Feb. 13 at 2, London.—Henry Biggs, Markyate-street, Hertfordshire, grocer, Feb. 14 at 2, London.—John Walker, Sunderland, Durham, grocer, Feb. 14 at half-past 11, Newcastle-upon-Hull.—John Thorne, Weymouth, Dorsetshire, builder, Feb. 20 at 12, Exeter.—Samuel H. Coombs, Oswestry, Shropshire, boot maker, Feb. 14 at 11, Birmingham.—Thos. Wilkins and Joseph Wilkins, Coventry, Warwickshire, builders, Feb. 28 at 11, Birmingham.—Saml. Hopkins, Bewdley, Worcestershire, horn worker, Feb. 28 at 11, Nottingham.—John Bartle, Lenton, Nottinghamshire, lace manufacturer, Feb. 19 at 11, Nottingham.—Wm. Roe, Calverton, Nottinghamshire, grocer, Feb. 19 at 11, Nottingham.—W. Binks, Kingston-upon-Hull, painter, Feb. 20 at 12, Kingston-upon-Hull.—Wm. M'Leod, Kingston-upon-Hull, joiner, March 6 at 12, Kingston-upon-Hull.—E. Williams, Wrexham, Denbighshire, builder, Feb. 15 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

Abraham Bernal, Whitechapel-road, Middlesex, china dealer.—Charles Barrow the younger, Coleman-street, City, wine merchant.—T. C. Bell, Durham, corn miller.—Wm. Bell, Durham, miller.—F. Baker, Wednesbury, Staffordshire, draper.—Henry Edwards, Birmingham, merchant.

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JOSEPH HARLAND and RICHARD READ, Leeds, Yorkshire, cloth merchants, Feb. 8 and March 1 at 11, Leeds: Off. Ass. Young; Sols. Upton & Yewdall, Leeds.—Pet. d. Jan. 17.

## MEETINGS.

John Heath Barber and Wm. H. Ellis, Liverpool, iron merchants, Feb. 4 at 11, Liverpool, pr. d.—John V. Barber, Walsall, Staffordshire, banker, Feb. 6 at 11, Birmingham, eh. ass.—Benj. W. Harker, Pentonville-road, Middlesex, linen-draper, Feb. 15 at 1, London, last ex.—John Rice, Lupus-street, Belgrave-road, Pimlico, Middlesex, butcher, Feb. 28 at 11, London, last ex.—Edward R. Daint and J. Wilson, Old Broad-street, City, bill brokers, Feb. 7 at 11, London, aud. ac. sep. est. of J. Wilson.—Wm. B. J. Brandon, Trinity-square, St. Mary, Newington, and Lock's-fields, Surrey, manufacturer, Feb. 7 at half-past 11, London, aud. ac.—John Sheppard, King's Lynn, Norfolk, brick manufacturer, Feb. 7 at 11, London, aud. ac.—Richard Steward, Great Yarmouth, Norfolk, carpenter, Feb. 8 at 11, London, aud. ac.; Feb. 15 at 11, div.—Henry Robt. Watts, Blackman-street, Borough, wine merchant, Feb. 7 at 12, London, aud. ac.—J. Thomas,

Abingdon, Berkshire, builder, Feb. 7 at 11, London, aud. ac.—Edward Russell, Long-lane, Bermondsey, Surrey, leather merchant, Feb. 12 at 12, London, aud. ac.—I. L. M. Harris, Liverpool, hosier, Feb. 4 at 12, Liverpool, aud. ac.; Feb. 18 at 11, div.—John B. Steelman, Cinderford, East Dean, Gloucestershire, surgeon, Feb. 7 at 11, Bristol, aud. ac.—Thomas Rees, Swansea, Glamorganshire, ironmonger, Feb. 7 at 11, Bristol, aud. ac.—James Wells, Liverpool, toy dealer, Feb. 4 at 12, Liverpool, aud. ac.; Feb. 18 at 11, div.—Wm. Hyde, Liverpool, insurance broker, Feb. 4 at 12, Liverpool, aud. ac.—James L. Copeland, Liverpool, merchant, Feb. 4 at 11, Liverpool, aud. ac.; Feb. 15 at 11, div.—Francis E. Shipley the younger, Giltbrook, Nottinghamshire, brickmaker, and Francis E. Shipley the elder, Nottingham, tanner, Feb. 18 at 11, Nottingham, aud. ac.—Wm. Hargreaves and Wm. Slater, Bradford, Yorkshire, whitesmith, Feb. 7 at 11, Leeds, aud. ac.—Robert C. Davies and J. N. Troughton, Shore-ditch, Middlesex, bankers, Feb. 19 at 11, London, div. joint est., and div. sep. est. of Robert C. Davies.—James S. W. Tomson and Albert T. Tull, Beech-street, Barbican, City, and Commercial-place, City-road, Middlesex, fancy box manufacturers, Feb. 15 at half-past 1, London, div. sep. est. of Albert T. Tull.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

John B. Whitaker, Little Britain, City, card maker, Feb. 15 at 11, London.—Thomas Joshua Fenton, Lime-street, City, and St. Mary-le-Strand-place, Old Kent-road, Surrey, wine merchant, Feb. 15 at half-past 11, London.—G. Stokes, Snow-hill, City, provision merchant, Feb. 15 at half-past 1, London.—Thomas R. Murrell, Hedenham, Norfolk, farmer, Feb. 15 at 12, London.—John Baker, Heathfield, Sussex, tanner, Feb. 15 at 1, London.—Thomas W. Lawrie, Bishop Auckland, Durham, innkeeper, Jan. 19 at half-past 11, Newcastle-upon-Tyne.—Maria Coward, Church Coniston, Lancashire, grocer, Feb. 15 (and not Feb. 7, as previously advertised) at 12, Manchester.—Edward W. Lennard, Redcar, Yorkshire, grocer, March 4 at 11, Leeds.—J. W. Crawford, Lincoln, grocer, Feb. 20 at 12, Kingston-upon-Hull.—David Murdoch, Liverpool, grocer, Feb. 15 at 12, Liverpool.

To be granted, unless an Appeal be duly entered.

William Smith, Eastbourne-mews, Westbourne-terrace, Paddington, Middlesex, horse dealer.—Peter Doyle, Wapping-wall, Middlesex, sailmaker.—John Large, Boxley, near Maidstone, Kent, miller.—Robert Stewart, Wells, Somersetshire, draper.—Frederick Randall, Whitechapel-road, Middlesex, coachbuilder.—John Arnold Hurst, Ludgate-street, City, mantle manufacturer.—M. Fothergill, Upper Thames-street, City, chemical manure merchant.—William Napier, Union-wharf, Wapping-wall, Middlesex, coal merchant.—Beaumont Clayton, Ketton, Rutlandshire, stone merchant.—W. Cooper, Cheriton, near Alresford, Southampton, builder.—John Surman, Southampton, tailor.—Benjamin Reynolds, Hoxton Old-town, Middlesex, cheesemonger.—Wm. John Cox, Fetter-lane, City, grocer.—Dawson Plane, King's Lynn, Norfolk, draper.—Robt. Willan, Glossop, Derbyshire, grocer.—John Rowbotham and James Shaw, Manchester, picture dealers.—Michael Hewson, Nottingham, hosier.—George Batters, Nottingham, printer.—William Hamilton Rutherford, Nottingham, grocer.—Wm. Nicholls, Leicester, manufacturer of blue.—John Miller, Nottingham, pawnbroker.—Wm. Jones, Nottingham, grocer.

## PETITION ANNULLLED.

John Leach, Bingley, Yorkshire, manufacturer.

## PARTNERSHIPS DISSOLVED.

John Bass Hanbury and Richard Gardner, Leamington Priors, Warwickshire, attorneys and solicitors.—Geo. Abraham Crawley and George Baden Crawley, Whitehall-place, Westminster, attorneys-at-law and solicitors.

## SCOTCH SEQUESTRATIONS.

Andrew Jack, Dalkeith, spirit dealer.—John Mair Dunlop, Newton-upon-Ayr, spirit dealer.—Robert Dow, Blairgowrie, Perthshire, wright.—Peter Black, Corrygilla, Isle of Arran, Buteshire, wood merchant.—Peter Smith, deceased, Tomantoul, Banffshire, merchant.—Colin M. Gregor, Blairgowrie, Perthshire, auctioneer.—Mrs. Margaret MacLachlan, North Uist, Inverness-shire, innkeeper.

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## THE JURIST.

LONDON, FEBRUARY 2, 1861.

THE case of *Ex parte Thompson*, which came before the Queen's Bench (6 Jur., N. S., part 1, p. 1247) and the Exchequer (7 Jur., N. S., part 1, p. 48) in Michaelmas Term last, directs attention to the state of the law relative to the merger of offences, and the summary jurisdiction which has been conferred on justices of the peace in cases of assault by the 9 Geo. 4, c. 31, and of aggravated assault by the 16 & 17 Vict. c. 30, commonly called "The Wife-beating Act." The facts of that case were these:—One Susannah Taylor preferred before a justice of the peace an information and complaint against Thompson, for that "he did unlawfully assault and abuse her, contrary to the statute, &c." On this Thompson was taken into custody, and the case was heard before two justices in petty sessions, both parties being provided with legal advisers. On the attorney for the prosecution beginning to state his case, it was objected by the defendant's attorney that he must confine himself to a charge of common assault. It was then agreed between the parties that the case should be taken as one of aggravated assault under the 16 & 17 Vict. c. 30. The case then proceeded, and the prosecutrix gave evidence against the defendant, which, if true, unquestionably

established that he had committed a rape upon her. The justices, however, convicted the defendant under the Aggravated Assaults Act, and sentenced him to imprisonment for six calendar months. Under these circumstances application was made to the Court of Queen's Bench for a habeas corpus to bring up Thompson in order that he might be discharged, on the ground that the justices had exceeded their jurisdiction; but the Court refused even a rule to shew cause. A similar application having been subsequently made to the Exchequer, that Court granted a rule to shew cause, which was argued; and after time taken to consider, the Barons, differing considerably, proceeded to deliver their opinions separately, in four judgments which well merit attention. The Lord Chief Baron and Wilde, B., considered that the rule ought to be made absolute: that the power of the justices was limited by both statutes to cases of common assault, and when any more serious offence appeared, it was their duty to send the case for trial: that assaulting and abusing a female meant much more than a mere assault. The Lord Chief Baron, moreover, gave it as his opinion that the latter expression, as applied to a female, necessarily implied violation; but Wilde, B., declined to go so far, saying only that it *might* mean it. The Lord Chief Baron likewise thought that it would be dangerous to give a discretion to the justices to believe a part of the evidence, and disbe-



lieve the rest, as by these means they could virtually pardon a major offence by convicting of a minor. Wilde, B., dissented from this, but declared that in his opinion the justices had not in fact acted on that principle, and had taken the case as one of an aggravated assault, because the parties had consented it should be so taken—a consent which they clearly could not give, it being a principle that consent cannot give jurisdiction. Bramwell and Channell, BB., on the other hand, thought that the rule ought to be discharged: that the charge before the magistrates was a charge of assault only; the term "abuse" in the information might be surplusage; and at all events did not mean rape, although it might mean indecent assault, in which event they thought the justices would have jurisdiction under the Aggravated Assaults Act: that the justices had a right to believe a portion of the evidence, and disbelieve the rest. The Court being thus divided in opinion, the rule of course dropped, and things remained as they were.

The doctrine of the merger of offences, both as it existed at common law and as modified by the 14 & 15 Vict. c. 100, seems much misunderstood, and is often hastily assumed to be useless, or worse. But, conceding that it may occasionally have been pushed too far, and made the means of sacrificing justice to technicality, a little consideration will shew the imperative necessity for the recognition of some such principle in every judicial system which professes to deal out effective justice in criminal cases. Its origin is manifestly this—that while many offences are so essentially distinct that no corruption, perversity, or stupidity could confound them together, there are others which, while differing most materially in enormity, are so connected that one is necessarily involved in the other: e.g. every charge of murder by violence, and every charge of rape necessarily involves an assault; and it is needless to add, that the first of the above is the greatest of all crimes, that the second is one of a very serious character, while the last is among the slightest. Now, it is evident, that either through ignorance of the real facts, or with the design of treating a criminal with leniency, a person guilty of murder or rape might be accused of assault, and, if he could lawfully be convicted on it, would escape the punishment due to the greater crime by undergoing punishment for the lesser. Nor is this all: tribunals which the law may properly entrust with jurisdiction over a lesser offence, would be most improper tribunals to entrust with jurisdiction over a greater; and yet without the law of merger, or something equivalent to it, an inferior tribunal might really dispose of the major offence by convicting of the minor, and thus appropriate to itself a jurisdiction to the exercise of which it was unfitted, and which the law never intended that it should possess. To guard against these mischiefs, it was an established rule of the common law, that where, on a trial for misdemeanour, it appeared that the offence committed amounted to a felony, the accused should be acquitted of the misdemeanour, and put on his trial for the felony. The strict technical observance of this rule, however, having occasionally been productive of evils in the adminis-

tration of justice, it has received most important modification by the 14 & 15 Vict. c. 100, s. 12, which enacts—"If upon the trial of any person for any misdemeanour it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanour; and no person tried for such misdemeanour shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanour."

In *Ex parte Thompson* the Barons of the Exchequer, as has been seen, differed in opinion as to whether the term "abuse," in an information for assault, necessarily implies rape or carnal knowledge. If it does, of course the magistrates ought not to have entertained the case for a moment, further than to consider whether it ought to be dismissed or sent for trial. But taking for granted that the term "abuse" has not that meaning, and that the information disclosed on its face nothing more than an aggravated assault, it may well be argued, that so soon as the evidence disclosed a rape, the justices were bound either to send the case for trial if they believed the evidence, or dismiss the charge if they disbelieved it. Some of the Barons suggested that the justices might believe the evidence so far as related to the assault, and disbelieve it so far as related to the rape. Without pretending to say how far this view is borne out by the language of the 9 Geo. 4, c. 31, and the 16 & 17 Vict. c. 30, it can hardly be supposed that the Legislature, when vesting in justices of the peace the powers vested in them by those statutes, intended that they were virtually to dispose of cases where murder or rape are charged, by convicting for assault, or aggravated assault, and thus practically, if not legally, stopping all further inquiry.

#### SALE UNDER A CHARGE OF DEBTS.

WE venture to think that the complication of authorities on this subject has been increased by the decision of Sir W. P. Wood, V. C., in the case of *Hodkinson v. Quin* (7 Jur., N. S., part 1, p. 65). There the testator, as to all his lands at T., after his just debts, funeral and testamentary expenses, should be paid thereout, devised the same to C. and W., to hold the same, subject to the payment of his said debts, funeral and testamentary expenses, unto them and the survivor, and the heirs of such survivor, upon trust for the testator's two daughters for their lives, and after the decease of the survivor, upon trust to sell. A purchaser from the trustees (appointed in place of the original trustees) required the concurrence of the testator's personal representative; but the Vice-Chancellor, on a bill for specific performance filed by the trustees, held that they alone could make a title. His Honor considered himself bound by *Robinson v. Lovat* (17 Beav. 592; 5 De G., Mac., & G. 272) and *Sabin v. Heape* (29 L. J., Ch., 79) to consider that the charge of debts gave to the executors

at least an equitable power of sale (the decision in *Doe v. Hughes*, 6 Exch. 223, against their taking a legal power being still unopposed by decision), which equitable power they might exercise at any time before the exercise of the power expressly given to the trustees, but not after a sale by the trustees. And his Honor pointed out the inconvenience of the contrary construction, that the executors would have a power extending over all time—which, being simply collateral, they could not release. The principle of the decision goes to this extent—that if a testator empowers his executors to sell his real estate for payment of his debts, and subject to that power devises his real estate to other persons upon trust to sell in a given event or at a given time, say immediately after the testator's decease, the trustees for sale may, when the prescribed event and time have arrived, anticipate the executors by a sale, and confer a good title, although the debts have not been paid. The Vice-Chancellor said, "I think the rational construction must be, that the power is given to the executors to override the other power, even if the epoch arrived the next day. If I find two powers, the one power given to A. and B., and another power given at a precise epoch, and positively ordered to be carried into effect by C. and D., that power must be carried into effect by C. and D. if A. and B. have not previously exercised their power. A. and B. probably would have the right to exercise their power if the money was wanted in the first instance by them. . . . Any other construction would produce this absurdity—that for all time the beneficiaries could not have a proper sale of the estate unless they got the actual concurrence of the executors, which they might wilfully decline to give." And the Court intimated an opinion, that even in the case of a beneficial devise, subject to a power in the executors to sell for payment of debts, the devisee might, by a sale for his own benefit, defeat the executors' power of sale. In a subsequent part of the judgment the rule that a power simply collateral cannot be released is referred to. Whether the Courts would now feel bound by that rule, which rests on no better authority than some ancient dicta, may be doubted.

We think it will be found, on examination, that there is nothing in the books to justify the broad proposition, that no power simply collateral can be released. There would, indeed, be some shew of reason for refusing to recognise a release of a power which is given to be exercised for the benefit of other persons, on the ground that the power implies a duty; but the dicta as to powers simply collateral are not to be supported on that principle, nor does it justify the distinction which is taken between such powers and a power precisely similar in every circumstance except that the donor has a particular estate in the subject-matter of the power, limited to expire before the appointment can operate. It cannot be reasonably held that the donee of a power, who has an option whether he will exercise it or not, and no duty in respect of it, may not release it; though it may be right to deny effect to a release of a power in the nature of a trust, given to be exercised at all events, or on a contingency which has happened. Thus, in the argument in *Albany's case* (1 Rep. 110), it was said, "If executors have power to sell land to J. S., and they enter and dispossess the heir and enfeoff a stranger, yet they may sell to J. S., for the reason before;" the reason being that the power was collateral to the title of the land. But when executors have power to sell, in case of need, for payment of debts, although they ought not to release that power so as to prevent their selling when the need arises, yet from the nature of the case, and in order to avoid the inconveniences which would otherwise arise, the

executors ought to be able to bind themselves and their successors by a statement that all the debts were satisfied. It is nowhere stated that a power may not be refused in the first instance; and as it seems to be settled at law that a person may refuse one part of a will while he accepts another, which is not conditional on his assenting to the first, there seems to be no reason why an executor may not, after acting on a general power of sale as to Blackacre, disclaim the power as to Whiteacre. Be this as it may, it is certain that the rule against releasing collateral powers, if it exists at all, is confined to legal powers, and therefore cannot, if *Doe v. Hughes* is right, extend to the power implied by a charge of debts. Whatever difficulty there may be in giving effect to a release by the executors of their power, or a declaration that it has ceased to be exercisable, we think there is much greater difficulty in the construction adopted in *Hodkinson v. Quin*, that a power expressly given to be exercised "after" or "subject to the payment of debts," can be exercised while the debts remain unpaid, or so as in any way to affect the operation of the charge of debts.

### THE CANADA EXTRADITION CASE.

WE propose to lay before our readers the portion of the Ashburton treaty which affects this question, together with the Canadian legislation founded upon it.

The treaty bears date the 9th August, 1842, and relates to several other matters besides the extradition of criminals. The recital bearing on that subject is as follows:—"Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the two parties respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up."

Then come the various articles of the treaty, of which the only ones having any relation to the subject of extradition are the following:—

Art. 10. "It is agreed that her Britannic Majesty and the United States shall, upon mutual requisitions by them or their ministers, officers, or authorities respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive."

By article 11, the 10th article is to remain in force

until one or other of the parties signifies its wish to terminate it, and no longer.

For the purpose of carrying this treaty into effect, the British Parliament passed the stat. 7 & 8 Vict. c. 76, which is still in force for the British empire in general. But sect. 5 of that statute having reserved a power to colonial legislatures to legislate for themselves in this matter, the Canadian Parliament availed itself of that power, and passed the provincial stat. 22 Vict. c. 89. That statute begins by reciting the treaty, but not the preamble to it. Sect. 1 substitutes the provisions of that statute for those of the Imperial act, and then enacts—"Upon complaint made under oath or affirmation, charging any person found within the limits of this province with having committed within the jurisdiction of the United States of America, or of any of such States, any of the crimes enumerated or provided for by the said treaty, any of the judges, or any justice of the peace, may issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or justice of the peace, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient by him to sustain the charge according to the laws of this province, if the offence alleged had been committed herein, he shall certify the same, together with a copy of all the testimony taken before him, to the Governor, that a warrant may issue, upon the requisition of the United States, for the surrender of such person, &c., and shall commit such person to prison in the meantime."

The statute contains some other provisions, but the above are the important ones.

### Correspondence.

#### A NEW GENERAL CHARGE ON PROPERTY.

TO THE EDITOR OF "THE JURIST."

SIR,—I beg to call your attention to the 28th section of the recent stat. 23 & 24 Vict. c. 127, the consequences of which appear rather startling. The section provides, that "in every case in which an attorney or solicitor shall be employed to prosecute or defend any suit, matter, or proceeding, it shall be lawful for the court or judge before whom any such suit, matter, or proceeding has been heard, or shall be depending, to declare such attorney or solicitor entitled to a charge upon the property recovered or preserved" for costs; "*and all conveyances and acts done to defeat, or which shall operate to defeat, such charge or right, shall, unless made to a bona fide purchaser for value without notice, be absolutely void and of no effect as against such charge or right.*"

The language of the latter part of this clause is very peculiar, and most serious questions may be expected to arise under it with respect to *mortgagees*, who would seem to have been designedly excluded from the benefit of the exception in favour of *purchasers* without notice. It will be necessary in future for all intending mortgagees, before parting with their money, to require negative evidence that no attorney or solicitor has any unsatisfied claim for costs incurred in recovering or preserving the property intended to be mortgaged; and even *purchasers* will not be safe in neglecting this precaution, lest they should be fixed with constructive notice of legal expenses having been incurred in relation to the property proposed to be dealt with; and, in spite of every vigilance, many cases will no doubt occur in which such claims will start up, to the prejudice of bona fide purchasers and mortgagees. The act, it may be added, does not contain any provision for a registry of these charges, and, in

fact, it would appear to have been intended that they should override *prior* conveyances and assurances. Such would seem to have been the design of the words invalidating acts "*done to defeat, or which shall operate to defeat, such charge or right.*"

Another expense is thus imposed on conveyancing transactions—another fetter placed on the alienation of property. It is certainly disheartening, at a time when the inexpediency of general charges on property was believed to have been fully recognised and understood, if not by the Legislature, at least by the Profession, to see such a clause as the one I have referred to contained in an act said to have been passed at the instance of the Incorporated Law Society.

Your obedient servant,

Lincoln's-inn.

W.

[The clause to which our correspondent refers authorises the Court to make such order for the taxation, raising, and payment of the costs as shall appear to the Court to be proper; and the Court may decline to make any declaration at all. It will, therefore, be in the power of the Courts to mitigate, if they cannot entirely obviate, the inconveniences suggested in the above letter. It seems clear to us that mortgagees are included in the saving of the rights of purchasers for value, and we think there can be no doubt that the charge is to extend only to the beneficial interest of the client.—ED.]

### CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—Deane Parker Pennethorne, Esq., B.A., Certificate of Honour of the First Class; Percy Simpson, Esq., M.A.; Arthur Giles Fuller, Esq., M.A.; Joseph William Dunning, Esq., M.A.; George Worthington, Esq.; Charles Robert Fletcher Lutwidge, Esq., B.A.; Paul Pantton, Esq., B.A.; Edmund Robert Wodehouse, Esq.; Charles Collett, Esq.; Horace Davey, Esq., M.A.; John Liddon, Esq., M.A.; Arthur Dixon, Esq.; Charles Synge Christopher Bowen, Esq., B.A.; George Randall Johnson, Esq., B.A.; Bernard Cragcroft, Esq., M.A.; William Halfhide Allen, Esq., M.A., B.O.L.; Frederick James Quick, Esq., B.A.; Robert Smith, Esq.; Angelo John Lewis, Esq., B.A.; Charles Stewart, Esq.; Mark William Hunter, Esq., B.A.; Henry Augustus Clavering, Esq.; and William John Belt, Esq., M.A.

INNER TEMPLE.—John Walter Tyas, Esq.; Thomas Neilson Underwood, Esq.; Charles William Mackillop, Esq.; Henry William Franklyn, Esq., B.A.; William Henry Mellor, Esq.; Thomas Green, Esq.; Felix Hargrave Hamell, Esq.; Henry Brooks, Esq., B.A.; John Barker Thornber, Esq.; Henry Goldwyer, Esq.; and John Martineau, Esq., B.A.

MIDDLE TEMPLE.—Thomas Henchman Buckenfield, Esq.; Henry Michael Durphy, Esq.; Marten Harcourt Griffin, Esq.; George William Paul, Esq.; Alfred Richards, Esq.; and Thomas Henry Goodwin Newton, Esq., B.A.

GRAY'S INN.—Richard C. Rogers, Esq.; Timothy O'Brien O'Feely, Esq., LL.D.; and Julian Emanuel Salomons, Esq.

W. D. LEWIS, Esq., Q. C.—This gentleman died on the 24th instant. Mr. Lewis was author of the well-known *Treatise on Perpetuities*, and was at one time Lecturer at Gray's-inn on the Law of Real Property.

## EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

HILARY TERM, 1861.

At the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. Thomas Henry Bartlett, aged twenty-one, who served his clerkship to Messrs. Matthews, Son, & Storton, of Arthur-street West, London-bridge.

2. Alfred Fox, aged twenty-three, who served his clerkship to Messrs. J. E. Fox & Son, of Finsbury-circus, London.

3. Thomas Wilson Spencer, aged twenty-one, who served his clerkship to Mr. George Spencer, of Keighley, and Messrs. Mackeson & Goldring, of Lincoln's-inn-fields, London.

The Council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Bartlett, the prize of the Honourable Society of Clifford's-inn; to Mr. Fox, one of the prizes of the Incorporated Law Society; and to Mr. Spencer, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Robert Blyth, aged twenty-two, who served his clerkship to Mr. Andrew Meggy, of Chelmsford, and Mr. John White, of Barge-yard-chambers, London; Peter Gedge, aged twenty-two, who served his clerkship to Messrs. Jackson & Sparks, of Bury St. Edmunds, and Mr. Thomas Henry Dixon, of New Boswell-court, London; Augustus Henry Reid, aged twenty-three, who served his clerkship to Messrs. Lloyd & Rule, of Milk-street, London; and Thomas Needham Sheffield, aged twenty-three, who served his clerkship to Messrs. Sheffield, of Old Broad-street, London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates, that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

Edward White Bewley, aged twenty-nine, who served his clerkship to Mr. John Hunt Thursfield, of Wrenbury; James Pullen Knott, aged thirty-nine, who served his clerkship to Messrs. Sandys & Hill, of Gray's-inn, London; James Pearce, B.A., aged thirty-four, who served his clerkship to Mr. Theod. William Pearce, of Bedford; Martin Scale, aged twenty-seven, who served his clerkship to Mr. William John, of Haverfordwest, and Mr. Richard Boswell Beddome, of Nicholas-lane, London; Weston Joseph Sparkes, aged thirty-three, who served his clerkship to Mr. William Cornish Cleave, of Crediton; Frederick Stanley, aged thirty-two, who served his clerkship to Mr. Samuel Abrahams, of Lincoln's-inn-fields, London; William Trythall, aged forty-one, who served his clerkship to Mr. Henry Lloyd Jones, of Bangor; Thomas Hamilton Urry, aged forty-four, who served his clerkship to Mr. James Goulbourn Etches, of Whitchurch, Shropshire; and Thomas Whittington, aged thirty, who served his clerkship to Mr. Benjamin Whittington, of Dean-street, Finsbury-square.

The number of candidates examined in this term was 105; of these 77 were passed, and 28 postponed.

By order of the Council,

ROBERT MAUGHAM, Secretary.

Law Society's Hall, Jan. 26, 1861.

## RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

(Continued from p. 25).

### Capias.

10. The writ of *capias* may be in Form 4, Schedule (A.), and shall be in force six calendar months from the date thereof, but the same may be renewed from time to time, for a like period, at any time within the original period of six months, or within the renewed period, by resealing the writ at the Queen's Remembrancer's Office.

11. The appearance is to be entered, and bail piece filed, in fourteen days after the execution of the writ, inclusive of the day of execution.

12. If the defendant, having given bail to the sheriff, does not appear according to the exigency of the writ, and also file his bail piece, judgment may be signed on filing an information (if not previously filed) and the sheriff's return, and execution may issue in fourteen days from the day of signing judgment.

13. If the defendant appears in due time, and files his special bail, a copy of the information must be delivered to the defendant, or his attorney in case he appears by attorney, and notice may be given (either on the information or separately) to plead in fourteen days from the day of service of such notice, otherwise judgment. The defendant may appear and file his bail at any time before judgment actually signed; but if he does so after the ordinary time for appearance and filing his bail, he or his attorney must in such cases forthwith give notice to the solicitor of the department issuing the writ that he has done so.

14. If the defendant appears and files his bail after the time for appearance, and before information filed, a copy of the information is to be delivered, with notice to plead as before mentioned; and if the defendant appears and files his bail after the information has been filed, and before judgment signed, notice is to be given to him, or to his attorney, at the office of the Queen's Remembrancer, of the day when the information was filed; and he may obtain an office copy thereof on payment for the same, and he must plead thereto within four days from the date of his appearance and filing his bail, otherwise judgment may be signed against him.

15. In any case, if a defendant be in custody for want of bail, he may be served with a copy of the information filed against him, personally, or by delivery of a copy of the information to the gaoler, keeper, or turnkey of the prison; and in default of such defendant appearing and pleading to such information for twenty days from the date of such service, judgment may be entered by default, and execution issue forthwith.

16. In any case where a party is in gaol, and is to be served with a copy of the information, the copy is to be made by the solicitor of the department, but before service the information is to be filed at the Queen's Remembrancer's Office: provided that nothing in these rules shall affect the right to take an assignment of the bail bond.

17. If a defendant be arrested, and gives bail to the sheriff for his appearance, before entering such appearance the defendant shall give a notice, containing

the names and addresses of his bail, to the solicitor of the department out of which the *capias* issued, and which notice shall be left with such solicitor four clear days before application shall be made for the notice to be returned.

18. Should the bail be approved, a bail piece, containing the name of the defendant and his bail, with their respective addresses and occupations, is to be made out on parchment by the defendant or his attorney, and, acknowledged, the leave of a judge must be obtained, if more than two names of bail are inserted in the bail piece. The bail piece, if acknowledged in town, must be before a judge or special commissioner; and, after acknowledgment, filed, together with the Crown's approval of bail, in the Queen's Remembrancer's Office. If acknowledged in the country, it must be before a commissioner duly authorised to take special bail in the Exchequer; in the latter case, after an acknowledgment, an affidavit of caption must be made, which, together with the bail piece and the Crown's approval of bail, must also be filed in the Queen's Remembrancer's Office; and, at the time of filing his bail, the defendant must also enter his appearance, and give notice to the solicitor of the department that he has done so, if bail be not perfected and appearance entered in due time. If the bail is refused, the parties shall be at liberty to justify before a judge, or, by order of a judge, before the Queen's Remembrancer, upon giving two clear days' notice of their intention to do so to the solicitor of the department who issued the writ of *capias*, or the defendant may submit the names of other bail for the solicitor's approval.

19. If the defendant requires further time for appearance or perfecting bail, the same may be obtained by summons and order of a judge.

20. By the order of a judge the defendant may render to the county gaol where arrested, but notice of the application must be given to the solicitor of the department; and if order made, and the defendant renders to such county gaol, a copy of such order must be left with the gaoler, and also at the Queen's Remembrancer's Office; but the defendant may render to the Queen's Prison, as at present, on giving notice to the Queen's Remembrancer, who is to prepare a transcript of the bail, and attend with the same and original bail piece before a judge at the time of the defendant rendering. If the defendant only puts in bail for the purpose of rendering, the bail piece and transcript are to be prepared by the defendant, and, after acknowledgment, the bail piece is to be filed at the Queen's Remembrancer's Office.

[For form of bail pieces, see Schedule (C.), Forms 10 and 11.]

#### *Intrusion.*

21. In order to assimilate the mode of procedure in intrusion to that in ejectment and trespass on the common-law side of the court as nearly as may be, consistently with the rights and prerogatives of the Crown and the provisions of stat. 21 Jac. 1, c. 14, the mode of procedure, to remove persons intruding upon the Queen's possession of lands or premises, shall be separate and distinct from that to recover profits or damages for intrusion.

22. In proceeding by writ of subpoena for intrusion to remove persons intruding upon the Queen's possession of lands or premises, the writ may be directed to the persons intruding by name, and to all persons entitled to defend the possession of the property claimed, and the property intruded upon shall be described in the indorsement on the writ with reasonable certainty.

[For form of writ, see Schedule (A.), No. 2.]

23. The writ shall command the persons to whom it is directed to appear, within fourteen days after service thereof, in the Court of Exchequer, to defend themselves in respect of the property alleged to be intruded upon, or such part thereof as they may think fit; and it shall also contain a notice that, in default of appearance, they will be removed from the premises.

24. The writ may be served in like manner as other writs of subpoena, or in such manner as a court or judge shall order; and in case of there being no person actually resident upon, or in the actual occupation of, the property, such writ may be served by affixing a copy thereof upon the door of any dwelling-house, or upon any other conspicuous part of the premises.

25. The persons named as defendants in such writ, or either of them, shall be allowed to appear within the time appointed.

26. Any other person not named in such writ shall, by leave of the court or a judge, be allowed to appear and defend on filing an affidavit shewing that he is taking the profits either by himself or his tenant of the land, &c.

27. Any person appearing to defend as landlord in respect of property whereof he alleges himself to be taking the profits only by his tenant, shall state in his appearance that he appears as landlord.

28. Any person appearing to such writ shall be at liberty to limit his defence to a part only of the property mentioned in the indorsement on the writ, describing that part with reasonable certainty in a notice intituled "In the Exchequer, and cause," and signed by the party appearing, or his attorney, such notice to be served, within four days after appearance, upon the solicitor whose name is indorsed on the writ; and an appearance without such notice confining the defence to part shall be deemed an appearance to defend for the whole.

29. No judgment for want of appearance, to remove persons intruding, shall be signed without first filing an affidavit of the service of the writ, and a copy thereof, and the information; or, where personal service has not been effected, without first obtaining a judge's order or a rule of court authorising the signing such judgment, which said rule or order, or a duplicate thereof, shall be filed, together with a copy of the writ and the information.

30. Where a person not named in the writ of subpoena, in such cases, has obtained leave of the court or a judge to appear and defend, he shall forthwith enter an appearance, intituled in the suit, against the party or parties named in the writ as defendant or defendants, and shall forthwith give notice of such appearance to the solicitor of the department whose name is indorsed on the back of the writ, and shall plead to the information, and be subject to all the like rules of pleading and practice in respect thereof as if he had originally been named a defendant in the writ.

31. The court or a judge may strike out or confine appearances and defences set up by persons not taking the profit of the land, &c. by themselves or their tenants.

32. In case no appearance shall be entered within the time appointed, or if an appearance be entered, but the defence be limited to part only, the Crown shall be at liberty to proceed with respect to the undefended part of the claim, and may sign judgment and issue execution for the removal of the defendant from the land, or the part whereof to which the defence does not apply, as mentioned in rule No. 5.

33. The fact of intrusion by the defendant shall not be at issue between the parties on the trial; and in cases in which the defendant may plead the general issue under the provisions of the stat. 21

Jac. 1, c. 14, a plea, denying the right of actual possession of the land and premises claimed to be in the Crown, shall (except as to the putting in issue the fact of the intrusion) have the like force and effect as a plea of the general issue would have had before these rules.

34. If the defendant does not appear at the trial of the cause, the defendant shall be taken to have admitted the Crown's title, and the fact of the intrusion; and the verdict shall be entered for the Crown without producing any evidence, and the Crown shall have judgment for costs of suit.

35. The judgment for the Crown in cases of intrusion for the removal of persons intruding shall be a judgment of amoveas and capiatur pro fine, if a fine be sought to be recovered.

36. In case of judgment by default in intrusion for the removal of persons intruding, either for non-appearance or for want of pleading, no costs are to be allowed.

#### *Intrusion for Recovery of Profits or Damages.*

37. In proceeding by writ of subpoena for intrusion on the Queen's possessions, and, taking profits, or for damages, the writ shall be directed to the persons intruding by name, and may be in Form 3, Schedule (A.)

38. To an information of intrusion for taking profits, or for damages, the defendant may plead the general issue of non intrusit, or not guilty, subject to the provisions of the stat. 21 Jac. 1, c. 14, and the judgment by default will be interlocutory, subject to the provisions of rule 92; the final judgment for the Crown will be, in either case, that the Crown do recover damages and costs, with a capiatur pro fine, if necessary.

#### *Serving a Corporate Body.*

39. The service of a writ of subpoena ad respondendum or scire facias, issued from the revenue side of this court against a corporation aggregate, may be served in like manner as a writ of summons issued against a corporation aggregate under the 16th section of the Common-law Procedure Act, 1852, and the like proceedings to judgment may take place thereon as against any other party.

#### *Informations.*

40. In all cases the information, when filed, is to be on parchment, and (if not filed before) is to be filed when judgment is signed, and on the information is to be indorsed the day the process issued, applicable to such information, by the solicitor of the department, or by the attorney filing the same; but in any case, if judgment be entered for the defendant, and the information be not filed, the copy delivered to the defendant may be filed in lieu of the original information.

41. All informations shall be delivered or filed, as the case may be, within twelve calendar months after the service or execution of the process for the purpose for which the same issued; and if not, the Crown shall, unless otherwise ordered by the court or a judge, be deemed out of court; but in any case where a defendant shall be in custody, either on capias or attachment for not appearing, the information, if not before filed, shall be filed, and service thereof made within six weeks after the defendant shall have been arrested, otherwise the defendant shall be at liberty to apply to a judge for his discharge, but notice of such application must be given to the solicitor of the department issuing the writ.

#### *Scire Facias.*

The proceedings by scire facias may be thus:—

42. The writ of scire facias may be in Forms 5, 6, 7,

8, or 9; in Schedule (A.), as the case may be, and shall be in force six calendar months from the date thereof, but may be renewed as in cases of subpoena ad respondendum. The service thereof, where practicable, shall be personal, but the order of a judge may be obtained under special circumstances, on affidavit, to dispense with personal service, and to proceed as on the common-law side of the court upon a writ of summons.

43. The appearance to be entered in fourteen days from the day of service, inclusive of the day of service.

44. If the defendant appears to the writ of scire facias in due time, he must plead thereto within fourteen days after appearance entered, otherwise judgment.

45. If the defendant does not appear according to the exigency of the writ, on filing the said writ, and an affidavit of service, or the order of the judge to proceed, judgment may be signed and execution issued in fourteen days from the day of signing such judgment.

46. The defendant may appear at any time before judgment actually signed; but if he does so after the ordinary time for appearance, he, or his attorney, in case he appears by attorney, must in such cases give notice to the solicitor of the department issuing the writ that he has done so, and plead to the writ within four days from the date of his appearance.

47. The scire facias in all cases is to be filed before judgment signed.

#### *Extents (other than those of Estreats).*

48. The obtaining of the writ of extent or diem clausit extremum in any case shall be the same as is now in practice, subject to rule No. 1; but when an extent or diem clausit extremum is returned into the office to be filed, eight days after the same has been filed, if the return has expired, if not, within eight days after the same shall have expired, the Crown, without giving a rule to claim, may proceed to realise the property mentioned in the inquisition, or recover any debt, or apply for an order for the sale of any real estate mentioned therein, or for an order to have paid to the Crown any money mentioned in the sheriff's return; but if any debt is returned as owing to the Crown's debtor, and there is danger of its being lost, an extent on an affidavit and fiat may immediately issue for its recovery without waiting such eight days.

49. Where a claim is entered to any property, real or personal, or debts seized, under a writ of extent or diem clausit extremum, or money mentioned in the sheriff's return, notice shall be given by the claimant, or his attorney, to the solicitor of the department, and such claimant, or his attorney, may obtain a copy of the extent or diem clausit extremum and inquisition at the office (which copy may commence as in Form 1, Schedule (C.)), and the solicitor of the department may, on such claim being entered, serve a notice requiring the defendant to plead in fourteen days from the service thereof, otherwise judgment; if time should be required for pleading, the same may be granted by order of a judge.

50. The pleadings in such cases are to be delivered as in other cases.

#### *Writs of Appraisement, Recoveries, and Writs of Delivery, also Claims on Indentures.*

51. After the execution of any writ of appraisement, the solicitor of the department is to file the same in the Queen's Remembrancer's Office, with an indenture annexed thereto, together with an information of seizure, which is to be prepared by such solicitor; and if no claim be entered for eight days after

the same shall be filed, if the return of the writ of appraisement has expired (if not, eight days after the return has expired), a judgment of recovery may be entered, and a writ of delivery issue, for the disposal of the property mentioned in the indenture, without any rule to claim.

52. Should a claim be entered, the same shall be entered at the Queen's Remembrancer's Office, on leaving a præcipe for that purpose, the claimant shall have eight days, after entering such claim, to make the affidavit of property, and enter into a recognisance for costs (which recognisance shall be on parchment, and is only necessary in the Inland Revenue department), the sureties to which shall be subject to the approval of the solicitor of Inland Revenue, and the parties to such recognisance shall be the claimant, or his attorney, together with the sureties so approved of. After such claim shall have been entered, affidavit made, and recognisance, where necessary, filed, a copy of the information for the recovery of the property shall be delivered to the claimant, or his attorney, with a notice indorsed thereon or annexed thereto, requiring him to plead in fourteen days, otherwise judgment. If the claimant pleads, the like proceedings shall take place as in other informations. The writ of appraisement, indenture, and proclamations need not form part of the record of *Nisi Prius*. If after claim entered no affidavit of property shall have been made, or recognisance, where necessary, filed, within the period above named, judgment may be signed as though there had been no claim entered.

53. The affidavit of property is to be prepared in the office, and copied on the indenture, but the recognisance is to be prepared by the attorney of the claimant.

[For form of recognisance, see Schedule (C), Form 12.]

#### *Transcript of Escheats and Outlawries.*

54. Eight days after the filing of the transcript of any writ of escheat or *capias utlagatum* with the inquisition annexed, if the return of such writ has expired, if not, eight days after such return, the Crown or prosecutor, as the case may be, shall be at liberty to realise the value of the goods and chattels, or to issue a writ of *levari facias* to levy the rents, or a writ of *scire facias* for the recovery of any debt, or such other writ as may be applicable to the premises mentioned in such transcript, but such transcript need not be inrolled. In case of outlawries, the present practice as to petitioning the Lords of the Treasury to authorise the Attorney-General to consent that the money received by the sheriff, under any writ where the same exceeds 50*l.*, may be paid to the prosecutor, and the application to the court or a judge for that purpose, shall continue as heretofore.

55. Where a claim shall be entered to any property seized under a writ of escheat or *capias utlagatum*, and the transcript is filed in the Queen's Remembrancer's Office, the claimant or his attorney is to give notice to the solicitor for the Crown, or to the attorney for the prosecutor, of such claim being entered, and thereupon the claimant or his attorney may obtain from the office a copy of the transcript, or so much thereof as shall be necessary, and which copy may commence in Form 2, in the Schedule (C.) hereunto annexed; and upon such claim being entered, the solicitor for the Crown, or the attorney for the prosecutor, may deliver to the defendant (claimant) or his attorney a notice, requiring him to plead in fourteen days from the service of such notice, otherwise judgment; but if time to plead be required, the same may be granted by order of a judge.

56. Subsequent pleadings to be delivered as in other cases.

57. If the defendant outlawed be a beneficed clergyman, a sequestration may issue on an order obtained for that purpose, as is at present the practice.

(To be continued).

### COURT OF QUEEN'S BENCH.

HILARY TERM, 24 VICT.—Jan. 24, 1861.

This Court will on Wednesday the 6th, Thursday the 7th, Friday the 8th, Saturday the 9th, Monday the 11th, Tuesday the 12th, Wednesday the 13th, and Thursday the 14th days of February next, hold sittings, and will proceed in disposing of the remaining causes in the New Trial, Special, and Crown Papers, and any other matter then pending. The Court will also hold a sitting on Saturday the 23rd day of February next, for the purpose of giving judgment in causes and matters previously argued.

BY THE COURT.

SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.—A meeting of this society was held at its rooms, 3, Waterloo-place, on Monday, the 28th instant, R. P. Collier, Esq., Q. C., M. P., in the chair. Mr. Edgar read a paper on some proposed amendments in the law relating to procedure and evidence on criminal trials; referring especially to Lord Chelmsford's Indictable Offences (Metropolitan District) Bill, Lord Brougham's Plea on Indictment Bill, Mr. Denman's Felony and Misdemeanour Bill, and Lord Brougham's Law of Evidence further Improvement Bill.

CHAPMAN v. FRESTON.—The Court of Queen's Bench, in a case which will be reported in due course, has come to a decision at variance with that of *Chapman v. Freston*, inaccurately described as *Preston*, (reported 7 Jur., N. S., part 1, p. 78).

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed Alfred Laird Estlin, Gent., of Somerton, Somersetshire, to be a commissioner to administer oaths in the High Court of Chancery in England.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Spencer Murch Cox, of Honiton, Devonshire, in and for the county of Devon; Thomas Avison, of Liverpool, in and for the county of Lancaster; George Augustus Bragg, of Moretonhampstead, Devonshire, in and for the county of Devon; Thomas Bradley Chambers, of Brighouse, Yorkshire, in and for the West Riding of the county of York; Anthony Porington, of Alford, Lincolnshire, in and for the parts of Lindsey, in the county of Lincoln; John Tattersall Auckland, of Eastbourne, Sussex, in and for the county of Sussex; Robert Lowe Grant Vassall, of Bristol, in and for the city of Bristol and the county of the same city, also for the counties of Somerset and Gloucester; Frederick Baker, of Derby, in and for the county of Derby; James Greenhalgh the younger, Bolton-le-Moors, Lancashire, in and for the county of Lancaster; Benjamin Hadley Sanders, of Bromsgrove, Worcestershire, in and for the county of Worcester; Robert Slaney, of Newcastle-under-Lyme, Staffordshire, in and for the county of Stafford; and William Smith, of Staines, and No. 11, Staple-inn, Middlesex, in and for the county of Middlesex, also in and for the county of Surrey.



TUESDAY, Jan. 29.

## BANKRUPTS.

**JOHN DYER HODGES**, Landport, Hampshire, builder, Feb. 7 and March 8 at 11, London: Off. Ass. Johnson; Sols. Flux & Argles, Cheapside.—Pet. f. Jan. 16.

**THOMAS MARRIAGE** and **WALTER MARRIAGE**, Springfield, near Chelmsford, Essex, millers, Feb. 7 and March 8 at 1, London: Off. Ass. Johnson; Sols. Meggy, Chelmsford; Treherne & White, 13, Barge-yard-chambers, London.—Pet. f. Jan. 28.

**THOMAS LUNHAM**, Wellington-chambers and High-st., Southwark, Surrey, provision merchant, (carrying on business with Robert Lunham, under the style or firm of T. & R. Lunham), Feb. 8 at half-past 11, and March 8 at 12, London: Off. Ass. Bell; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Pet. f. Jan. 9.

**PATRICK FENN**, Milk-street, City, umbrella manufacturer, Feb. 14 at 11, and March 16 at 1, London: Off. Ass. Whitmore; Sols. Lloyd, 1, Wood-street, Cheapside; Langford & Marsden, 59, Friday-street, Cheapside.—Pet. f. Jan. 28.

**EDWIN KITT**, Lindfield, Sussex, publican, Feb. 8 at 11, and March 8 at 12, London: Off. Ass. Canna; Sols. Attree & Co., Brighton; J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Jan. 24.

**JOHN BECK MISTER**, Norman's-buildings, St. Luke's, Middlesex, dyer, and Maiden-lane, Queen-street, City, packer, Feb. 8 at half-past 1, and March 8 at 1, London: Off. Ass. Whitmore; Sols. Slee & Robinson, Parish-street, St. John's, Southwark.—Pet. f. Jan. 25.

**JOHN VINGOE**, Westbourne-park, Bayswater, Middlesex, builder, Feb. 8 and March 8 at 11, London: Off. Ass. Canna; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Pet. f. Jan. 28.

**WILLIAM FABIAN**, Wall's End Wharf, Rosemary Branch Bridge, Hoxton, Middlesex, coal merchant, Feb. 8 at half-past 12, and March 12 at 12, London: Off. Ass. Graham; Sol. Hodgkinson, 17, Little Tower-street, City.—Pet. f. Jan. 24.

**ROBERT GREEN GRIMES**, High-street, Poplar, and Golden-lane, Old-street, Middlesex, licensed victualler, Feb. 8 and March 12 at 11, London: Off. Ass. Graham; Sol. Flavell, 21, Bedford-row.—Pet. f. Jan. 25.

**ROBERT WILSON**, Poultry, City, commission agent, Feb. 11 and March 11 at half-past 1, London: Off. Ass. Pennell; Sols. Blake & Snow, 22, College-hill, City.—Pet. f. Jan. 18.

**EMANUEL JACOBS**, Long-lane, West Smithfield, City, stationer, (trading under the style or firm of Emanuel Jacobs & Co., and lately trading with Henry Reed, at Castle-street, Holborn, under the firm of Reed, Jacobs, & Co.), Feb. 11 at half-past 2, and March 11 at 11, London: Off. Ass. Pennell; Sol. Frost, 138, Leadenhall-street, City.—Pet. f. Jan. 25.

**JOSEPH RICHARDSON**, Victoria-road, Pimlico, Middlesex, upholsterer, Feb. 8 at half-past 2, and March 12 at 2, London: Off. Ass. Lee; Sols. Ashurst & Son, 6, Old Jewry, London.—Pet. f. Jan. 25.

**JOSEPH GROOM**, Wisbeach St. Peters, Cambridgeshire, leather dealer, Feb. 8 and March 12 at 12, London: Off. Ass. Edwards; Sols. Ollard, Upwell, Cambridgeshire; Hensman & Nicholson, 25, College-hill, London.—Pet. f. Jan. 28.

**JAMES COOK**, Walsall, Staffordshire, tanner, Feb. 15 and March 8 at 11, Birmingham: Off. Ass. Kinnear; Sols. Tyrer, Liverpool; Smith, Birmingham.—Pet. d. Jan. 24.

**SAMUEL YOUNG**, Birmingham, licensed victualler, Feb. 15 and March 8 at 11, Birmingham: Off. Ass. Whitmore; Sol. Marshall, Birmingham.—Pet. d. Jan. 25.

**GEORGE ABBOTT**, Birmingham, machinist, Feb. 15 and March 8 at 11, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. d. Jan. 25.

**RICHARD FARRALL**, Kidsgrove, Staffordshire, grocer, Feb. 15 and March 8 at 11, Birmingham: Off. Ass. Whitmore; Sols. Smith, Birmingham; Challinor, Hanley.—Pet. d. Jan. 28.

**WILLIAM CHARLES FOULKES**, Birmingham, draper, Feb. 13 and March 4 at 11, Birmingham: Off. Ass. Whitmore; Sols. Southall & Nelson, Birmingham.—Pet. d. Jan. 26.

**THOMAS WATTS**, Bristol, sailmaker, Feb. 11 and March 11 at 11, Bristol: Off. Ass. Atraman; Sols. Brittan & Son, Bristol.—Pet. f. Jan. 28.

## MEETINGS.

**Thomas Madeley Hartwell**, Manchester, calendarer, Feb. 20 at 12, Manchester, last ex.—**Harry Cook**, Lancaster-place, near the Strand, and Clement's-inn, Middlesex, scrivener, Feb. 11 at 11, London, and ac.—**James Pritchard**, Newham, Gloucestershire, saddler, Feb. 21 at 11, Bristol, and ac.—**Joseph Wood**, Salford, Lancashire, timber merchant, Feb. 21 at 12, Manchester, and ac.; Feb. 22 at 12, div.—**James M'Colm**, Manchester, common brewer, Feb. 19 at 12, Manchester, and ac.—**Wm. Wild Wright**, Stockport, Cheshire, grocer, Feb. 15 at 12, Manchester, and ac.; Feb. 23 at 12, div.—**Robert Walker**, Stalybridge, Lancashire, grocer, Feb. 16 at 12, Manchester, and ac.; Feb. 21 at 12, div.—**Charles Thomas Collins**, Worcester, and Fenchurch-street, London, wine merchant, Feb. 21 at 11, Birmingham, and ac.; Feb. 28 at 11, div.—**John Pagt**, Brierley-hill, Staffordshire, licensed victualler, Feb. 21 at 11, Birmingham, and ac.; Feb. 28 at 11, div.—**Hugh Boughen**, Norwich, chemist, Feb. 23 at 11, London, div.—**J. Chamberlin**, Rupert-street, Haymarket, Middlesex, wheelwright, Feb. 20 at half-past 1, London, div.—**Thomas Sampson**, Stroud, and **William Barnard**, Minchinhampton, Stroud, Gloucestershire, shawl manufacturers, Feb. 21 at 11, Bristol, first and fin. div. sep. est. of **Thomas Sampson**.—**James Evans Pilling**, Tredegar, Monmouthshire, draper, Feb. 21 at 11, Bristol, first and fin. div.—**R. Abram**, Manchester, cabinet maker, Feb. 21 at 12, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

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See Law List, 1860, pages 826 and 827.

## GAZETTES.—FRIDAY, Feb. 1.

## BANKRUPTS.

- JOHN BROOKSBANK**, King-street, Clerkenwell, Middlesex, brush board cutter, Feb. 14 at half-past 11, and March 19 at 11, London: Off. Ass. Bell; Sol. Cart, 7, South-square, Gray's-inn.—Pet. f. Feb. 1.
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- GEORGE WILSON WARD**, Worcester, publican, Feb. 13 and March 11 at 11, Birmingham: Off. Ass. Kinnear; Sols. Wright, Birmingham; Watkins, Worcester.—Pet. d. Jan. 24.
- WILLIAM WILSON**, Birmingham, and Sparkbrook, Aston-juxta-Birmingham, Warwickshire, paint manufacturer, Feb. 13 and March 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hodgson & Allen, Birmingham; Blake & Snow, College-hill, London.—Pet. f. Jan. 28.
- ALEXANDER BARKER**, Bilston, Staffordshire, tin-plate worker, Feb. 13 and March 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. Underhill, Wolverhampton; E. & H. Wright, Birmingham.—Pet. d. Jan. 30.
- ISAAC ISAACS**, Bristol, jeweller, Feb. 11 and March 11 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Jan. 29.
- JOHN SCOTT**, Stonehouse, near Plymouth, Devonshire, draper, Feb. 11 and March 25 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Wood, Bristol; Bishop & Pitts, Exeter.—Pet. f. Jan. 25.
- JOHN STANTON**, Liverpool, china dealer, Feb. 15 and March 4 at 11, Liverpool: Off. Ass. Bird; Sol. Tyrer, Liverpool.—Pet. f. Jan. 29.
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15 at 11, London, aud. ac.—*Edward Ansell*, South-street, Manchester-square, Middlesex, draper, Feb. 19 at 1, London, aud. ac.—*Owen Sturges*, Upper Belaise-terrace, Belaise-lane, Hampstead, Middlesex, builder, Feb. 19 at 12, London, aud. ac.—*Edmund Ashworth Acton*, Preston, Lancashire, general commission agent, Feb. 12 at 12, Manchester, aud. ac.—*Joshua Eyre*, Chowbeet, Leigh, Lancashire, silk manufacturer, Feb. 15 at 12, Manchester, aud. ac.; Feb. 22 at 12, div.—*Charles Stark and William Stark*, Mark, Somersetshire, corn factors, Feb. 28 at 11, Bristol, aud. ac. joint est., and aud. ac. sep. est. of *W. Stark*; March 7 at 11, div. joint est.—*Jabez Fowler*, Tredegar, Monmouthshire, draper, Feb. 28 at 11, Bristol, aud. ac.—*John Clark*, Maindee and Newport, Monmouthshire, victualler, Feb. 14 at 11, Bristol, aud. ac.—*John Mackay*, Liverpool, timber merchant, Feb. 15 at 11, Liverpool, aud. ac.; Feb. 22 at 11, div.—*Samuel Nixon Haynes*, Leek, Staffordshire, grocer, Feb. 18 at 11, Birmingham, aud. ac.—*John Mountford*, Stoke-upon-Trent, Staffordshire, parian manufacturer, Feb. 18 at 11, Birmingham, aud. ac.—*John Cope Lench*, Birmingham, leather seller, Feb. 13 at 11, Birmingham, aud. ac.—*Geo. Brooke*, Newport, Shropshire, ironmonger, Feb. 18 at 11, Birmingham, aud. ac.—*J. Walker*, Sunderland, Durham, grocer, Feb. 14 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Wm. Ibbitson and John Ibbitson*, Yeadon, Yorkshire, woollen-cloth manufacturers, Feb. 7 at 11, Leeds, aud. ac. joint and sep. ests.—*Geo. Noble*, Middlesborough, Yorkshire, innkeeper, Feb. 7 at 11, Leeds, aud. ac.—*Oliver Alfred Seagood and Henry Willis Smith*, Wellington-road, Holloway, Middlesex, builders, Feb. 26 at 11, London, div. sep. est. of *Oliver Alfred Seagood*.—*John Tubbs*, Basingstoke, Hampshire, draper, Feb. 23 at 12, London, div.—*Henry Foot*, Port-street, Spitalfields, Middlesex, and Sudbury, Suffolk, silk manufacturer, Feb. 23 at half-past 12, London, div.—*Wm. Francis Crafts*, Castle-st., Oxford-street, Middlesex, printer, Feb. 25 at half-past 12, London, div.—*James Williams*, Beer-lane, City, shipping agent, Feb. 25 at 2, London, div.—*John Tripp*, Cross-street, Waiworth, Surrey, tallow chandler, Feb. 23 at 12, London, div.—*Henry Slator*, Holbeach, Lincolnshire, common brewer, Feb. 28 at 11, Nottingham, aud. ac. and div.—*Henry Watson*, Longford, Derbyshire, miller, Feb. 28 at 11, Nottingham, aud. ac. and div.—*Robert Lee*, Cromford, Derbyshire, currier, Feb. 28 at 11, Nottingham, div.—*George Deane and Fred. Youle*, Liverpool, merchants, Feb. 22 at 11, Liverpool, fin. div.—*James Laidlaw Cross*, Liverpool, insurance broker, March 19 at 11, Liverpool, fin. div.—*John Lyons*, Sheffield, Yorkshire, steel manufacturer, Feb. 23 at 10, Sheffield, div.—*Charles Stead*, Huddersfield, Yorkshire, flock dealer, Feb. 22 at 11, Leeds, div.—*Wm. Henry Sims*, Winstar, Derbyshire, apothecary, Feb. 23 at 10, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Chamberlain* the younger, Crawford-street, St. Marylebone, Middlesex, lead merchant, Feb. 26 at 12, London.—*Moses David Strelitz*, Newgate-street, City, merchant, Feb. 22 at 1, London.—*James Colls*, Thrapeton and Denford, Northamptonshire, coal merchant, Feb. 23 at half-past 11, London.—*Henry Alfred Broome*, Russell-street, Covent-garden, Middlesex, licensed victualler, Feb. 26 at 2, London.—*Edwin Taylor*, Wimborne, Dorsetshire, butcher, Feb. 28 at 12, London.—*Henry Rudd Knights*, Bermondsey-street, Surrey, currier, Feb. 26 at 1, London.—*Gibbs Howes Murrell*, Surlingham, Norfolk, brickmaker, Feb. 26 at 2, London.—*Frederic Tillett*, Banner-street, St. Luke's, Middlesex, spiral flambeaux manufacturer, and Wellington-road, Bethnal-green, Middlesex, timber merchant, Feb. 22 at 11, London.—*Charles Stark and William Stark*, Mark, Somersetshire, corn factors, Feb. 25 at 11, Bristol.—*John Buck Steadman*, Cinderford, East Dean, Gloucestershire, surgeon, March 4 at 11, Bristol.—*Wladislaw Spiridon Khizzenzski*, Cardiff, Glamorganshire, watchmaker, Feb. 26 at 11, Bristol.—*Thomas William Lawrie*, Bishop Auckland, Durham, innkeeper, Feb. 19 (and not Jan. 18, as previously advertised) at half-past 11, Newcastle-upon-Tyne.—*John Brook*, Birmingham, electro plaster, Feb. 25 at 11, Birmingham.—*George Robson*, Handsworth, Staffordshire, saddler, Feb. 25 at 11, Birmingham.—*William Fairbridge the younger*, Redcar, Yorkshire, butcher, March 11 at 11, Leeds.—*William Fair-*

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## THE JURIST.

LONDON, FEBRUARY 9, 1861.

THE claim of the Government of the United States for the extradition of the fugitive slave Anderson has attracted much of the public attention. It has given rise to several letters which have appeared in the public journals, and on last Monday evening was discussed at a very full meeting of the Juridical Society, when considerable differences of opinion prevailed among the speakers, and the debate was adjourned until the next meeting of that body.

In some of the printed publications on the subject it is boldly suggested that, right or wrong, Anderson *must not* be given up; but in this we cannot concur. When Shylock, in the play, insists on having, by virtue of his bond, the pound of flesh lying nearest to his debtor's heart, the friend of the unfortunate merchant thus supplicates the judge:—

"I beseech you,

Wrest once the law to your authority;

To do a great right, do a little wrong,

And curb this cruel devil of his will."

But what is the answer?—

"It must not be;

'Twill be recorded for a precedent,

And many an error by the same example

Will rush into the state."

*Merchant of Venice*, Act 4, Scene 1.

If England is bound by treaty to deliver up this man, she ought to do it, however painful; the lives of a thousand men, black, white, or any other co-

lour, should not for one moment be weighed against her honour. A great nation like England must not shew the example of treaty-breaking to any people, but least of all to a slave-holding State like Missouri.

The question, therefore, comes to the construction of the Ashburton Treaty of the 9th August, 1842. This treaty, after reciting that "it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the two parties respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up," contains, in its 10th article, the following provision:—"It is agreed that her Britannic Majesty and the United States shall, upon mutual requisitions by them or their ministers, officers, or authorities respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum or shall be found within the territories of the other: provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made upon oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought

before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive." And by art. 11, the preceding article is to remain in force until one or other of the parties signifies its wish to terminate it, and no longer.

Anderson's case is as follows:—By the law of Missouri any free man who finds a slave attempting to escape from slavery, or above a certain distance from the place of his employment, is authorised to arrest and take him before a magistrate. Anderson, a negro slave, was found by the deceased Digges, a free man, under those circumstances, and on Digges attempting to arrest him, Anderson killed him, and fled into Canada; and the question is, whether, on this state of facts, Anderson is liable to extradition as a person "charged with the crime of murder" within the meaning of the above treaty. The question is not without its difficulties; and we propose to lay before our readers the arguments on both sides.

In favour of the extradition it is urged that this case falls within the express words of the treaty. Every person "charged with the crime of murder" is to be given up. By the law of Missouri, Anderson was clearly guilty of it, for he slew a person who was about to arrest him, having lawful authority to do so. It is true, that this would not have been murder if done in Canada; but all crime is necessarily local, and must be judged of and determined by the law of the place where it is committed. And although it is true that the specific case never could arise in Canada, seeing that there are no slaves there, still the Canadian law fully recognises the *principle* that he who slays a person who is endeavouring to effect a lawful arrest is guilty of murder; and it would be absurd to expect that the power of arrest should in all countries be delegated to the same class of persons. The provision in the treaty, "that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed," must not be understood with reference to *law*, but with reference to *proof*—namely, that although Canadian tribunals are to be governed by the Canadian rules of evidence in declaring the offences in the treaty proved or disproved, they are bound to consult and defer to the laws of the United States in all that relates to the definition of those offences.

These arguments, however fair and plausible, do not satisfy us. In the first place, we must remark that the claiming the extradition of this man, under the circumstances, is, to say the least of it, a most ungracious act on the part of the Americans. Their own author, Wheaton (*International Law*, 179, note (a), 6th ed.), assures us, that "in the negotiation of treaties, stipulating for the extradition of persons accused or convicted of specific crimes, certain rules are generally followed, especially by constitutional governments. The principal of these rules are, . . . that a state should never authorise the extradition of persons accused or convicted of *political* or *purely local* crimes, but should confine its provisions to such acts as are by common accord regarded as grave crimes." For this he cites the French jurist Ortolan, "*Règles Internationales de la Mère*," vol. 1, p. 346, 2nd ed., which fully bears him out.

But letting this pass, it is to be observed, that, in appealing to international law, the Americans necessarily profess their readiness to obey it; and by that law numerous and very salutary rules have been laid down for the interpretation of treaties, conventions, laws, contracts, &c. Most of these are to be found in the celebrated 16th chapter of the 2nd book of Grotius, "*De Jure Belli ac Pacis*," and they are reproduced, with little variation, by the most eminent writers on international law who have flourished since his time; e.g. Pufendorf, *De Jure Nat. and Gent.*, lib. 5, c. 12; Vattel, *Droit des Gens*, liv. 2, c. 17; Rutherford's *Institutes of Nat. Law*, book 2, c. 7. The American jurist, Wheaton (*International Law* 355, 6th ed.), gives no rules on the subject himself, but refers his readers who are desirous of studying it to Grotius, Vattel, and Rutherford. These rules of interpretation are not the same in all respects as those laid down in the common law, and consequently must not be confounded with them.

Grotius begins (sects. 1 and 2) by laying down, as a fundamental principle, that, "in order to interpret an instrument, we must endeavour to ascertain, not what the parties to it SAID, but what they MEANT." Inasmuch, however, as it is impossible to know what is passing in a man's mind, his intentions can only be learnt from *signs*, and these are of two kinds—*words* and *conjectures*. After giving various rules respecting both these, he proceeds as follows:—

Sect. 20. "There is also another way of interpreting by conjectures, founded upon something else than the signification of the words in which the promise is contained; and this is done in two ways, either by *enlarging* or *restraining* them."

Sect. 22. "The interpretation that *restrains* the import of the word 'promising' is taken either from an original defect in the will of the speaker, or from the repugnancy with his will of a case which arises. An original defect in the will is discovered either from the absurdity which would otherwise evidently follow, or upon failure of the reason, which alone did fully and efficaciously move the will, or from a defect of the matter. The *first* is grounded upon this, that no man is to be supposed to intend things that are absurd. The *second* on this, that what is contained in the promise, where such a particular reason is added or plainly implied, is not considered simply in itself, but as it falls under that reason. The *third* on this, that the matter in hand is always presumed to be present to the mind of the speaker, though his words seem to admit a larger sense. This way of interpretation is treated by rhetoricians under the head *περί ὀνόρων καὶ διαβολῶν*, concerning the *letter* and the *design*."

Sect. 26. "The repugnancy of a case which arises with the will of the speaker is usually referred by rhetoricians to the same head, *περί ὀνόρων καὶ διαβολῶν*. . . . For since it is impossible to foresee and specify all cases, there is a necessity for reserving the liberty of exempting such as the speaker would, were he present, himself exempt; but this must not be done rashly; for that would be to make oneself sovereign arbitrator of another man's act, and therefore is not to be allowed but when there are sufficient and convincing tokens (*indicia*) of it.

"The most certain token (*certissimum indicium*) is, when to adhere precisely to the letter would be unlawful—that is, would be repugnant to natural or divine law; for such things, having no power to oblige, are necessarily to be excepted. Thus, he who has promised to restore a sword that was left him, ought not, if the person be mad, to restore it, lest by so doing he endanger himself or other innocent persons;

ner are we to deliver a thing to him who deposited it with us if the right owner demands it."

Sect. 27. "The second token (*secundum indicium*) is, when to stick close to the letter is not absolutely and of itself unlawful; but when, upon considering the thing with candour and impartiality, it appears too grievous and burthensome. (*Æque rem estimant nimis grave atque intolerabile*). And this either in respect of the condition of human nature absolutely considered, or in regard to the person and thing in question, compared with the very end and design of the engagement. Thus, a man who lends a thing for some certain time may demand it before that time if he happens to be very much in want of it himself; because, by the nature of such a beneficial act, no man can be presumed willing to serve his friend to his own extreme prejudice. So, he who has promised an ally the assistance of his troops shall be excused if he be so far engaged in war at home as to have occasion for them himself."

In sect. 10 also he says, that of things that are promised, some are *favourable*, some *odious*: *favourable* being such as carry with them equality, and look to common utility; *odious* such as lay all the burthen on one party, or lay a greater burthen on one party than on the other. In sect. 12 he tells us that the former are more liberally construed; while, to restrain the effect of the latter, we may even take language in a figurative sense.

Such being the principles of the interpretation of treaties laid down by undoubted authority, we shall proceed to consider the question before us under two different hypotheses—first, that the proviso in the Ashburton Treaty does, and, secondly, that it does not, mean that the crime is to be determined by the law of the place where the fugitive or person is found. On the first of these hypotheses, as in Canada there are no slaves, and consequently no law authorising free men to arrest slaves under the circumstances defined by the law of Missouri, it is clear that the actual case before us never could arise in Canada. Not only ought every presumption to be made against any construction of the treaty which would have the effect of compelling Canada to assist in enforcing such barbarous legislation, but every extradition treaty by implication, and this one by express words, has its basis in *reciprocity*, which in a case like this present is wholly out of the question.

Let us now take the second hypothesis—namely, that the only effect of the proviso in the Ashburton Treaty is to regulate the *proof* of the offence, and that it is not to be looked on as giving a definition of the offence itself. The inevitable consequence of this hypothesis is, that the treaty has given no definition at all of the offences which constitute its subject-matter; and in this state of things to what law must we resort for definition of those offences? Must not such a treaty be construed, as all conventions between nations which contain no special provision to the contrary are construed, by the principles and rules of natural and international law, and not by the municipal law of either of the contracting states? This principle is, we apprehend, sufficiently clear; and if any proof of it were wanting in this particular instance, we find it in the language of the treaty itself. The acts of which it speaks are not described as "offences," but as "crimes;" and the evidence of these is spoken of as evidence of "criminality"—two expressions well understood in natural and international law, but unknown to the common law of England, which is also that of the United States of America. Taking this to be so, the term "murder," in natural and international law, means a wrongful slaying with malice aforethought; and we doubt very much whether the slaying

even an officer of justice (*à fortiori* a private individual) who is attempting to arrest the slayer for an act which is only *malum prohibitum*, and not *malum in se*, falls within it. The rule in English law, and in that of some other countries, that such slaying amounts to murder, is an artificial one, established by municipal law for the protection of its officers, by converting into murder that which otherwise would amount to manslaughter at most. We will put a few cases illustrative of the consequence of rejecting this principle of definition. Suppose the law of Missouri had gone further than it has, and declared it to be murder in every slave who killed a free man under any circumstances, even per infortunium or *se defendendo*; and in every female slave who slew a free man under any circumstances, even though he was attempting to ravish her; would it be contended that under the words of this treaty the United States could claim extradition? Again: in England killing in a duel is murder—in some other lands it is not. Could England, under an extradition treaty worded like the present, claim the extradition of an Englishman who had killed another in a duel? Again: look at the next word in the treaty, "piracy." By the general international law, engaging in the slave trade is not piracy, but it has been made so by the law of England: could England, under a treaty worded like the present, claim extradition of a person accused of engaging in the slave trade?

Take, however, either hypothesis. In construing this treaty we are bound to apply the rules for the interpretation of treaties which have been laid down by Grotius and the other eminent writers above mentioned; and we conceive that the present case must come within one, if not both, of the two there last stated; namely—1. That we must restrict the natural meaning of the words of a treaty when the not doing so would have the effect of compelling us to violate some precept either of divine or natural law. 2. That we may so restrict them when the not doing so would impose upon us a grievous and intolerable burthen, which it is clear to the understanding of every person never could have been present to our minds when we entered into the obligation. Whether slavery is inconsistent with the divine law, we do not propose to argue; but it certainly is (at least, in the shape in which it exists in the United States at the present day) at variance with the law of nature. (See Grotius, lib. 2, c. 5, s. 27, and Pufendorff, lib. 6, c. 3, ss. 8, 10). And even Justinian (*Inst.*, lib. 1, tit. 3, s. 2) defines it, "*Constitutio juris gentium quæ quis dominio alieno contra naturam subijcitur*." And even were this not so, he must, indeed, be a bold man who would contend that the interpretation of a treaty, which would impose on England, in spite of her traditions, her laws, and her principles, incessantly avowed and acted on, the task of doing the police work and becoming the slave-driver to the United States of America, or any other country, was one ever contemplated by her when she entered into it; if not, the putting that interpretation upon it is, in the language of Grotius, "*Nimis grave atque intolerabile*."

#### THE FRANCHISE IN THE SLAVE STATES OF AMERICA.

By a strange misrepresentation of a provision in the constitution of the United States, it has been currently stated and believed in this country that every slaveowner in the northern States is entitled, in elections of members of the federal and of the local legislatures, to three votes for every five slaves he possesses. So far is this from being true, that the pos-

session of slaves does not in any State confer a right to vote; and no elector can in any case have more than one vote, except in South Carolina, where the possession of property, as well as residence, confers a franchise, so that, as in the United Kingdom, the same man may have a vote in elections for several districts; while, in each slave State, every citizen who has resided in the State and in the electoral district during a certain period (in no case longer than two years) is entitled to vote, except only, in North Carolina, for the election of senators, for which purpose the qualification is a freehold of fifty acres, or a town lot.

The election of the federal government is thus provided for by the constitution of March, 1789:—

"Art. 1, sect. 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

"Sect. 2. (1). The house of representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

(The next clause prescribes the qualifications of representatives.)

"(3). Representatives and direct taxes shall be apportioned among the several States which may be included within the union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons"—i. e. slaves, to whom there is only one other reference in this document, intended to guarantee the blessings of liberty—namely, in the 2nd section of art. 4, which provides for the delivery of slaves flying from one State into another; and there, with almost equal delicacy, they are designated as "persons held to service or labour."

"Sect. 3. (1). The senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years, and each senator shall have one vote."

"Art. 2, sect. 1. (1). The executive power shall be vested in a President of the United States of America. He shall hold office during the term of four years; and, together with a Vice-President chosen for the same term, be elected as follows:—

"(2). Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the congress." Of these electors each may vote for two persons, and the candidate having the greatest number of votes from the several electoral colleges shall be the President, and the one having the next greatest number shall be the Vice-President.

In each of the slave States the legislature consists of two houses—a senate and a house of representatives. The senators, equally with the members of the lower house, are returned by districts; in some States for the same term, five years; in others for four years. In New Jersey the members of both houses are chosen for one year. The senate consists of fewer members than the lower house. The executive power is in the governor, who also, in some States, has an absolute or a qualified vote on acts of the legislature. In Georgia and South Carolina the governor is elected by the two houses collectively; in the other States he is chosen by the people. In New Jersey his term of office is one year; in Alabama, the Carolinas, Georgia, Mississippi, and Tennessee it is two years; in the other slave States four years.

Each State is divided into counties and electoral districts, and the number of members returned for each district is either fixed or regulated by the white population, or by the white population and three-fifths of the slaves. In some States a freehold qualification is required for members of either house. Thus, in South Carolina the qualification is 500 acres of land and ten negroes, or a real estate of the clear [annual?] value of 150*l*.

In North Carolina no person can vote at the election of a senator who is not a freeman of the age of twenty-one, possessing a freehold within the district of fifty acres of land, and having resided in the district during the year preceding the election. All adult freemen having resided a year in the district or town, or holding a freehold in a town, may vote for members of the lower house, and for the governor. Negroes and their descendants to the fourth generation inclusive are disqualified to vote.

In South Carolina the qualification of adult whites to vote for members of either house, and for the governor, is either tax-paying and residence during six months, or the possession of a freehold of fifty acres, or a town lot.

In the other slave States (Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Jersey, Tennessee, Texas, and Virginia) every adult white citizen who has resided a certain time in the district is qualified to vote for members of both houses, and for the governor. In Tennessee, persons of colour, being competent as witnesses, may vote.

## Court Papers.

### SITTINGS AFTER HILARY TERM, 1861.

#### Court of Chancery.

Before the LORD CHANCELLOR.

At Lincoln's Inn.

Thursday . . . . .	Feb. 7	{ First Seal.—Appeal Motions and Appeals.
Friday . . . . .	8	{ Petitions and Appeals.
Saturday . . . . .	9	{ Appeals.
Monday . . . . .	11	{ Appeals.
Tuesday . . . . .	12	{ Appeals.
Wednesday . . . . .	13	{ Appeals.
Thursday . . . . .	14	{ Second Seal.—Appeal Motions and Appeals.
Friday . . . . .	15	{ Appeals.
Saturday . . . . .	16	{ Appeals.
Monday . . . . .	18	{ Appeals.
Tuesday . . . . .	19	{ Appeals.
Wednesday . . . . .	20	{ Appeals.
Thursday . . . . .	21	{ Third Seal.—Appeal Motions and Appeals.
Friday . . . . .	22	{ Appeals.
Saturday . . . . .	23	{ Appeals.
Monday . . . . .	25	{ Appeals.
Tuesday . . . . .	26	{ Appeals.
Wednesday . . . . .	27	{ Appeals.
Thursday . . . . .	28	{ Fourth Seal.—Appeal Motions and Appeals.
Friday . . . . .	March 1	{ Appeals.
Saturday . . . . .	2	{ Appeals.
Monday . . . . .	4	{ Appeals.
Tuesday . . . . .	5	{ Appeals.
Wednesday . . . . .	6	{ Appeals.
Thursday . . . . .	7	{ Fifth Seal.—Appeal Motions and Appeals.
Friday . . . . .	8	{ Appeals.
Saturday . . . . .	9	{ Appeals.
Monday . . . . .	11	{ Appeals.
Tuesday . . . . .	12	{ Appeals.
Wednesday . . . . .	13	{ Appeals.



Thursday .....	14	{ Sixth Seal.—Appeal Motions and Appeals.
Friday .....	15	
Saturday .....	16	
Monday .....	18	{ Appeals.
Tuesday .....	19	
Wednesday .....	20	
Thursday .....	21	{ Seventh Seal.—Appeal Motions and Appeals.
Friday .....	22	{ Appeals.
Saturday .....	23	{ Petitions and Appeals.

*Notice.*—Such days as his Lordship shall be engaged in the House of Lords are excepted.

*Before the LORDS JUSTICES.*

*At Lincoln's Inn.*

Thursday .... Feb. 7	{ First Seal.—Appeal Motions and Appeals.
Friday .....	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	{ Appeals.
Monday .....	{ Appeals.
Tuesday .....	{ Appeals.
Wednesday .....	{ Appeals.
Thursday .....	{ Second Seal.—Appeal Motions and Appeals.
Friday .....	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	{ Appeals.
Monday .....	{ Appeals.
Tuesday .....	{ Appeals.
Wednesday .....	{ Appeals.
Thursday .....	{ Third Seal.—Appeal Motions and Appeals.
Friday .....	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	{ Appeals.
Monday .....	{ Appeals.
Tuesday .....	{ Appeals.
Wednesday .....	{ Appeals.
Thursday .....	{ Fourth Seal.—Appeal Motions and Appeals.
Friday .... March 1	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	{ Appeals.
Monday .....	{ Appeals.
Tuesday .....	{ Appeals.
Wednesday .....	{ Appeals.
Thursday .....	{ Fifth Seal.—Appeal Motions and Appeals.
Friday .....	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	{ Appeals.
Monday .....	{ Appeals.
Tuesday .....	{ Appeals.
Wednesday .....	{ Appeals.
Thursday .....	{ Sixth Seal.—Appeal Motions and Appeals.
Friday .....	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	{ Appeals.
Monday .....	{ Appeals.
Tuesday .....	{ Appeals.
Wednesday .....	{ Appeals.
Thursday .....	{ Seventh Seal.—Appeal Motions and Appeals.
Friday .....	{ Appeal Petitions and Appeals.
Saturday .....	{ Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the MASTER OF THE ROLLS.*

*At Chancery-lane.*

Thursday .... Feb. 7	{ First Seal.—Motions.
Friday .....	{ General Paper.
Saturday .....	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.

Monday .....	11	
Tuesday .....	12	{ General Paper.
Wednesday .....	13	
Thursday .....	14	{ Second Seal.—Motions.
Friday .....	15	{ General Paper.
Saturday .....	16	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	18	
Tuesday .....	19	{ General Paper.
Wednesday .....	20	
Thursday .....	21	{ Third Seal.—Motions.
Friday .....	22	{ General Paper.
Saturday .....	23	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	25	
Tuesday .....	26	{ General Paper.
Wednesday .....	27	
Thursday .....	28	{ Fourth Seal.—Motions.
Friday .... March 1		{ General Paper.
Saturday .....	2	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	4	
Tuesday .....	5	{ General Paper.
Wednesday .....	6	
Thursday .....	7	{ Fifth Seal.—Motions.
Friday .....	8	{ General Paper.
Saturday .....	9	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	11	
Tuesday .....	12	{ General Paper.
Wednesday .....	13	
Thursday .....	14	{ Sixth Seal.—Motions.
Friday .....	15	{ General Paper.
Saturday .....	16	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	18	
Tuesday .....	19	{ General Paper.
Wednesday .....	20	
Thursday .....	21	{ Seventh Seal.—Motions.
Friday .....	22	{ General Paper.
Saturday .....	23	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put into the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Lincoln's Inn.*

Thursday .... Feb. 7	{ First Seal.—Motions.
Friday .....	{ Petitions.
Saturday .....	{ Short Causes, Adjourned Summonses, and General Paper.
Monday .....	{ General Paper.
Tuesday .....	{ General Paper.
Wednesday .....	{ General Paper.
Thursday .....	{ Second Seal.—Motions and General Paper.
Friday .....	{ Petitions.
Saturday .....	{ Short Causes, Adjourned Summonses, and General Paper.
Monday .....	{ General Paper.
Tuesday .....	{ General Paper.
Wednesday .....	{ General Paper.
Thursday .....	{ Third Seal.—Motions and General Paper.
Friday .....	{ Petitions.
Saturday .....	{ Short Causes, Adjourned Summonses, and General Paper.
Monday .....	{ General Paper.
Tuesday .....	{ General Paper.
Wednesday .....	{ General Paper.
Thursday .....	{ Fourth Seal.—Motions and General Paper.
Friday .... March 1	{ Petitions.
Saturday .....	{ Short Causes, Adjourned Summonses, and General Paper.



Monday.....	4	General Paper.
Tuesday.....	5	
Wednesday....	6	
Thursday.....	7	Fifth Seal.—Motions and General Paper.
Friday.....	8	
Saturday.....	9	Short Causes, Adjourned Summonses, and General Paper.
Monday.....	11	General Paper.
Tuesday.....	12	
Wednesday....	13	
Thursday.....	14	Sixth Seal.—Motions and General Paper.
Friday.....	15	
Saturday.....	16	Short Causes, Adjourned Summonses, and General Paper.
Monday.....	18	General Paper.
Tuesday.....	19	
Wednesday....	20	
Thursday.....	21	Seventh Seal.—Motions and General Paper.
Friday.....	22	
Saturday.....	23	Short Causes, Adjourned Summonses, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Lincoln's Inn.*

Thursday....	Feb. 7	First Seal.—Motions.
Friday.....	8	Petitions and General Paper.
Saturday.....	9	Short Causes and General Paper.
Monday.....	11	General Paper.
Tuesday.....	12	
Wednesday....	13	
Thursday.....	14	Second Seal.—Motions and General Paper.
Friday.....	15	
Saturday.....	16	Short Causes and General Paper.
Monday.....	18	General Paper.
Tuesday.....	19	
Wednesday....	20	
Thursday.....	21	Third Seal.—Motions and General Paper.
Friday.....	22	
Saturday.....	23	Short Causes and General Paper.
Monday.....	25	General Paper.
Tuesday.....	26	
Wednesday....	27	
Thursday.....	28	Fourth Seal.—Motions and General Paper.
Friday....	March 1	
Saturday.....	2	Short Causes and General Paper.
Monday.....	4	General Paper.
Tuesday.....	5	
Wednesday....	6	
Thursday.....	7	Fifth Seal.—Motions and General Paper.
Friday.....	8	
Saturday.....	9	Petitions, Short Causes, and General Paper.
Monday.....	11	General Paper.
Tuesday.....	12	
Wednesday....	13	
Thursday.....	14	Sixth Seal.—Motions and General Paper.
Friday.....	15	
Saturday.....	16	Short Causes and General Paper.
Monday.....	18	General Paper.
Tuesday.....	19	
Wednesday....	20	
Thursday.....	21	Seventh Seal.—Motions and General Paper.
Friday.....	22	
Saturday.....	23	Petitions and General Paper.
Monday.....	25	General Paper.
Tuesday.....	26	
Wednesday....	27	
Thursday.....	28	Fourth Seal.—Motions and General Paper.
Friday....	March 1	
Saturday.....	2	Short Causes and General Paper.
Monday.....	4	General Paper.
Tuesday.....	5	
Wednesday....	6	
Thursday.....	7	Fifth Seal.—Motions and General Paper.
Friday.....	8	
Saturday.....	9	Short Causes and General Paper.
Monday.....	11	General Paper.
Tuesday.....	12	
Wednesday....	13	
Thursday.....	14	Sixth Seal.—Motions and General Paper.
Friday.....	15	
Saturday.....	16	Short Causes and General Paper.
Monday.....	18	General Paper.
Tuesday.....	19	
Wednesday....	20	
Thursday.....	21	Seventh Seal.—Motions and General Paper.
Friday.....	22	
Saturday.....	23	Short Causes.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Lincoln's Inn.*

Thursday....	Feb. 7	First Seal.—Motions.
Friday.....	8	General Paper.
Saturday.....	9	Petitions, Short Causes, and General Paper.
Monday.....	11	General Paper.
Tuesday.....	12	
Wednesday....	13	
Thursday.....	14	Second Seal.—Motions and General Paper.
Friday.....	15	
Saturday.....	16	General Paper.
Monday.....	18	General Paper.
Tuesday.....	19	
Wednesday....	20	
Thursday.....	21	Third Seal.—Motions and General Paper.
Friday.....	22	
Saturday.....	23	Petitions, Short Causes, and General Paper.
Monday.....	25	General Paper.
Tuesday.....	26	
Wednesday....	27	
Thursday.....	28	Fourth Seal.—Motions and General Paper.
Friday....	March 1	
Saturday.....	2	Petitions, Short Causes, and General Paper.
Monday.....	4	General Paper.
Tuesday.....	5	
Wednesday....	6	
Thursday.....	7	Fifth Seal.—Motions and General Paper.
Friday.....	8	
Saturday.....	9	Petitions, Short Causes, and General Paper.
Monday.....	11	General Paper.
Tuesday.....	12	
Wednesday....	13	
Thursday.....	14	Sixth Seal.—Motions and General Paper.
Friday.....	15	
Saturday.....	16	Petitions, Short Causes, and General Paper.
Monday.....	18	General Paper.
Tuesday.....	19	
Wednesday....	20	
Thursday.....	21	Seventh Seal.—Motions and General Paper.
Friday.....	22	
Saturday.....	23	Petitions, Short Causes, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

**EQUITY CAUSE LISTS, AFTER HILARY TERM, 1861.**

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

*Before the LORD CHANCELLOR and the LORDS JUSTICES.*

**APPEALS.**

Johnson v. Gal-	(V. C. of Lancaster, Feb. 12, 1860)	Williams v. Skottowe	{ (S. Dec. 20)
lagher		Skottowe v. Williams	
Johnson v. Caze-		Earl of Radnor v. South-	
nove		eastern Railway Co. (K., Jan. 4)	
Lees v. Massey (R., Aug. 1)			
S O			

Rhymney Railway Co. v. Taff  
Vale Railway Co. (R., Jan.  
21)  
Davie v. Messier (S., Jan. 24)  
Ridgway v. Newstead (S.,  
Jan. 25).

CAUSES.  
Westmacott v. Robins (F C,  
Summons)  
Hughes v. Chester and Holy-  
head Railway Co. (M D)  
Smith v. Matthews (F C)

Turner v. Spooner (M D)  
Gardner v. Evans (M D)  
Lee v. Page (M D)  
Pancbridge v. Wall (F C)

Gimblett v. Gimblett (M D)  
Baker v. Machin (M D)  
Nicholson v. Nicholson (M D)  
Morton v. Badley (M D).

Before the Vice-Chancellor Sir JOHN STUART.

CAUSES, &c.

Before the Right Hon. the MASTER OF THE ROLLS.

CAUSES, &c.

Turpin v. Chambers (M D,  
part heard) Feb. 8  
Drake v. Hilliard (Cause)  
Thomas v. Wilson (M D)  
Pocock v. Anglo-Australian  
and Universal Family Life  
Assurance Co. (M D)  
Fawcett v. Ecclesiastical Com-  
missioners for England (M  
D)  
Simcox v. Law (M D)  
Walker v. Smith (Cause)  
Pigott v. Baker (Cause)  
Lloyd v. Smith (M D)  
Rowland v. Roupell } (Can.)  
Rowland v. Roupell }  
Palin v. Palin (F C)  
Rowe v. Rowe (M D)  
Rowe v. Rowe (Cause)  
Gallard v. Hope (M D)  
Dickason v. Foster (M D)  
Harrison v. Brown (M D)  
Adshead v. Willets (M D)  
Smith v. Wright (Cause)  
Haynes v. Wallace (M D)  
Cock v. Dunn (M D)  
McClure v. Evans (M D)  
Drysdale v. Sturgis (M D)  
Watson v. Milligan (M D)  
White v. Chalcraft (M D)  
Barnet v. Barnet (M D)  
Powell v. Tindall (F C, ad-  
journd Summons)

Graseman v. Skinner (F C)  
Macoubrey v. Cooper (M D)  
Wood v. Jackson (Cause)  
Shropshire Union Railway &  
Canal Co. v. Charlton (M D)  
Edmunds v. Fessey (F C)  
Jolly v. Ford (M D)  
Jackson v. Gasquoigne (M D)  
Coulson v. Coulson (M D)  
Campion v. Rogers (F C)  
Duffin v. Burkinyoung (Can.)  
Mooley v. Merrey (M D)  
Rehden v. Wesley (F C)  
Robertson v. Morgan (Cause)  
Moore v. Morris (M D)  
Partington v. Cheetham (M D)  
Lane v. Vernon (M D)  
Rowe v. Rowe (Cause)  
Ashwell v. Staunton (Cause)  
Moorhouse v. Moorhouse (M  
D)  
Watney v. Wells (M D)  
Graham v. Paternoster (M D)  
Field v. Peckett (F C, Summ.)  
Westell v. Westell (Cause)  
Wilson v. Brown (F C)  
Williamson v. Spiller (M D)  
Bayley v. Moore (M D)  
Yescombe v. Landor (Cause)  
Young v. Richardson (F C)  
Turner v. Greenhough (M D)  
Simmonds v. Cock (Rehear.)  
Swaisland v. Dearaley (M D).

Ponsford v. Hankey (D)  
Ponsford v. Hankey (D)  
Clegg v. Clegg (Cause, part  
heard) Feb. 8  
Stamford, Spalding, & Boston  
Banking Co. v. Ball (M D,  
part heard) Feb. 8  
Trotman v. Flesher (M D,  
part heard)  
Flesher v. Trotman (Cause,  
part heard)  
Towle v. National Guardian  
Assurance Society (M D)  
Secretary of State in Council  
of India v. Kelson (M D)  
Feb. 11

Macnaghten v. Smith (M D)  
Draper v. Manchester, Shef-  
field, & Lincolnshire Rail-  
way Co. (M D) *Easter T.*  
Knight v. Knight (F C)  
M'Master v. Williams (M D)  
Att.-Gen. v. Bond (M D)  
*March 1*

Barlow v. Jones (Cause)  
Ruxton v. Richardson (M D)  
Feb. 18

Graham v. Graham (M D)  
Hughes v. Hughes (M D)  
Berry v. Berry (M D)  
Bowles v. Rump (M D)  
Jones v. Parry } (F C, Ptn,  
Jones v. Ben- } In re  
nion } Bolden)

Wells v. Polley (F C)  
Burman v. Tarleton (M D)  
Forrest v. Eicke (M D)  
Sherlock v. Rosebotham (F C)  
Oriental Bank Corporation v.  
Coleman (Cause)

Saunders v. Parry (F C, M)  
Hopkins v. Phillips (M D)  
Southgate v. Martin (M D)  
Williams v. Ardill (Cause)  
Whiteway v. Fisher (F C,  
Summons)

Bulkeley v. Stephens (M D)  
Gresley v. Mousley (F C)  
Rookes v. Kingdon (F C, M)  
Crosbie v. M'Henry (M D)  
Birtwistle v. Birtwistle (F C)  
Birtwistle v. Hawarth (M D)

Before the Vice-Chancellor Sir W. P. WOOD.

CAUSES, &c.

Selby v. Pomfret (M D, part  
heard)  
Basham v. Rose (Cause)  
Chambers v. Vernon (M D)  
Poore v. Wright (F C)  
Horn v. Anglo-Australian  
and Universal Family  
Life Assurance Co. } (Cause)  
Lister v. Same }  
Hawkins v. Hawkins (M D)  
Gale v. Barnwell (Cause)  
Lumby v. Lumby (M D)  
Parkes v. Mills (M D)  
Whalley v. Ramage (Cause)  
Phippen v. Phippen (M D)  
Phippen v. Bath (F C)  
Coston v. Gardner (Cause)

Nicholson v. Fowler (M D) *SA*  
Strong v. Gery (M D)  
Pound v. Vickers (F C)  
Frankland v. Frankland (M  
D)  
Bury v. M'Whinnies (M D)  
Leach v. Richardson (M D)  
Wyatt v. Bigg (M D)  
J. H. Dawson v. Dawson (F C)  
Avery v. Sutcliffe (Cause)  
Cardinal v. Molyneux } (M  
Same v. Same } D)  
Davies v. Parry (F C)  
Todd v. Todd (M D)  
Sucksmith v. Sucksmith (M  
D)

Trim v. Knight (F C)  
Beckwith v. Booth (M D)  
Bedborough v. Bell (M D)  
Jenner v. Prichard (M D)  
Chadwick v. Chadwick (Can.)  
Jackson v. Downe (M D)  
Scatcherd v. Scatcherd (Can.)  
Pawley v. Turnbull (Cause)  
Gibson v. Wilson (Cause)  
Witting v. Witting (M D)  
Borton v. Dunbar (F C)  
Emmet v. Clarke (M D)  
Miller v. Gostling (Cause)  
Child v. Smith (M D)

Fenwick v. Clark (M D)  
Roker v. Freeman (M D)  
Richards v. Davies (M D)  
Hampton v. Hampton (M D)  
Randles v. Baggallay (F C)  
M'Gillivray v. Fraser (M D)  
Graham v. Graham (M D)  
Bauman v. Matthews (M D)  
In re Delevante } (Adj.  
Delevante v. Child } Summs.)

Adams v. Evans } (M D)  
Llewellyn v. Evans }  
Marshall v. Carter (Cause)  
Dale v. Harris (M D)  
Williams v. Headland (M D)  
Humpage v. Inskip (M D)  
Close v. Close (F C, Ptn)  
Hill v. Cockram (M D)  
Benson v. Milburn (F C)  
Dyer v. Harris (F C)  
Hewett v. Alpaas (M D)  
Job v. Ellison (M D).

Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

CAUSES, &c.

Metropolitan Railway Co. v.  
Bailey (D)  
Metropolitan Railway Co. v.  
Barker (D)  
Metropolitan Railway Co. v.  
Hooper (D)  
Shaw v. Beckenham (E to  
answer)  
Day v. Hair (M D)  
Drennan v. Andrew (M D)  
Hull v. Heygate (M D)  
Woodroffe v. Barry (M D)  
Lows v. Kekwick (M D)  
Bedwell v. Prudence (M D,  
part heard)  
Brooks v. Keith (Cause)  
Reynolds v. Wheelhouse (Ca.)  
Hutton v. Hutton (M D)  
Davies v. Marshall (M D)  
Powell v. Trotter (M D)  
Burgess v. Castley (Cause)  
Beauchcroft v. Lewes (Sp. C.)  
Harrison v. Crosswell (Cause)  
Hicks v. Hicks (F C)  
Wass v. Pettinger (M D)  
Portarlington v. Damer (F D,  
3 Ptas)  
Berkley v. Whitley (Cause)  
Tibbitts v. Smith (M D)  
Thackshwaite v. Hopkinson  
(M D)  
Wason v. Kempeon (Cause)  
Guillon v. Rotch } (F C,  
Rotch v. Guillon } Summons)

Pollard v. Doyle } (F C, Ptn)  
Kearns v. Doyle }  
Drakeford v. Stubbs (F C,  
Summ. to vary certificate)  
France v. Ernest (Cause)  
Gregory v. Marshall (F C)  
Parker v. Hodgson (M D)  
Broughton v. Cheesewright  
(M D)  
De Porquet v. Wagener (Ca.)  
Morris v. Morris (M D)  
Smith v. Domville (F C)  
Guillon v. Wason (M D)  
Wyndham v. Rickford (M D)  
Hayloek v. Rowbotham (F  
C)

Colyer v. Colyer (M D)  
Wright v. Salmon (F C)  
Finch v. Gent (M D)  
Mawe v. Heavyside (F C)  
Shaw v. Johnson (F C)  
Mitchell v. Mitchell (M D)  
Micklethwait v. Micklethwait  
(F C)  
Fowler v. Fowler (F C)  
Trafford v. Trafford (Cause)  
Dawson v. Clarke (M D)  
Borton v. Scott (M D)  
In re Plasket's Es- } (F C,  
tate } adj. from  
Bryant v. Knyvett } chamb.)  
Knipe v. Knipe (M D)  
Gannon v. Ernest (Cause)  
M'Larty v. Middleton (F C)

Before the Vice-Chancellor Sir W. P. WOOD.

CAUSES, &c.

Selby v. Pomfret (M D, part  
heard)  
Basham v. Rose (Cause)  
Chambers v. Vernon (M D)  
Poore v. Wright (F C)  
Horn v. Anglo-Australian  
and Universal Family  
Life Assurance Co. } (Cause)  
Lister v. Same }  
Hawkins v. Hawkins (M D)  
Gale v. Barnwell (Cause)  
Lumby v. Lumby (M D)  
Parkes v. Mills (M D)  
Whalley v. Ramage (Cause)  
Phippen v. Phippen (M D)  
Phippen v. Bath (F C)  
Coston v. Gardner (Cause)

Clayton v. Cowland (M D)  
Jeffries v. Drysdale (M D)  
Swanzy v. Swanzy (Cause)  
Niven v. Overbury (Cause)  
Lambert v. Rawlings (M D)  
Isaac v. Stuart (Cause)  
Price v. Patent Fuel Co., Li-  
mited (Cause)  
Lancashire Insurance Co. v.  
Ewart (Cause)  
Knight v. Brown (Cause)  
Hope v. Fox (M D)  
Dawkins v. Mortan (M D)  
Fleming v. Rodocanachi (M  
D)  
Freud v. Dennett (M D)  
Clarke v. Wardroper (M D)

Acraman v. Corbett (Cause)  
 Potter v. Potter (M D)  
 Mitchell v. Smart (M D)  
 Thellusson v. Defontaine (M D)  
 Woodward v. Hudson (M D)  
 Dodds v. Fuller (M D)  
 Dunkley v. Lambert (Sp C)  
 Nixon v. West Midland Railway Co. (M D)  
 Isherwood v. Wilson (M D)  
 Peover v. Hassall (M D)  
 Dalton v. Spencer (M D)  
 Kennett v. Hunt (F C)  
 Woolcombe v. Brown (M D)  
 Gray v. Norris (M D)  
 Garton v. Pascoe (M D)  
 Bilton v. Thomas (F C)  
 Whitehead v. Roper (M D)  
 Probert v. Powell (F C)  
 Ashton v. Ashton (M D)  
 Taylor v. Price (Cause)  
 Balm v. Langham (F C)  
 Mayhew v. Maxwell (M D)  
 Ley v. Scamp (Cause)  
 Lawson v. Foster (F C)  
 Turton v. Mappin (M D)  
 Westropp v. Westropp (M D)  
 Merriman v. Ward (F C)  
 Marshall v. Peacock (Cause)  
 Wright v. Carr (M D)  
 Wagner v. Pennell (Cause)  
 Norton v. Stainton (M D)

Matthews v. Matthews (M D)  
 Stock v. Parnell (M D)  
 Wilson v. Stephenson (M D)  
 Ross v. Tarlington (Cause)  
 Wilson v. Clark (F C)  
 Leach v. Walker (M D)  
 Morgan v. Rees (M D)  
 Stroud v. Williams (Cause)  
 Bettney v. Bettney (M D)  
 Nettleship v. Denman (F C)  
 Grant v. Mussett (F C)  
 Boyes v. Bedale (Cause)  
 Mendes v. Guedella (M D)  
 Carr v. Turton (M D)  
 Stott v. Storey (M D)  
 Bland v. Plummer (F C)  
 Nicholson v. Simpson (M D)  
 Stackhouse v. Countess of Jersey (M D)  
 Lee v. Taylor (M D)  
 Lucas v. Cooke (M D)  
 Warren v. Daly (M D)  
 Hunter v. Fairlamb (M D)  
 Standen v. Hutchings (F C)  
 Heyworth v. Great Western Railway Co. (Cause)  
 Avison v. Holmes (Cause)  
 Stanley v. Stanley (M D)  
 Barratt v. Mellers (Cause)  
 North v. Gurney (M D)  
 Hunter v. Stewart (Cause)  
 Brown v. Lindsay (M D)

## COURT OF EXCHEQUER.

HILARY TERM, 24 VICT.—Jan. 30, 1861.

This Court will hold a sitting on Monday, the 25th day of February next, and will at such sitting proceed in giving judgment in matters then standing for judgment.

S. MARTIN.  
 G. BRAMWELL.  
 W. F. CHANNELL.  
 JAMES WILDE.

JURIDICAL SOCIETY.—A very full meeting of this society took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 4th inst., R. P. Collier, Esq., Q. C., M. P., in the chair, when a paper was read by the Hon. George Denman, M. P., on the question—"Is the Government of the United States of America entitled, under the Ashburton Treaty, to claim the extradition of the fugitive Anderson?" A discussion ensued, in which the chairman, Mr. Fitz-james Stephen, and Mr. W. M. Best took part. Considerable differences of opinion prevailed among the speakers; and on the motion of Mr. Westlake, the debate was adjourned to Monday, the 18th inst.

Mr. John Smale, of the Chancery bar, has been appointed Attorney-General for Hongkong. Mr. Smale was called to the bar in 1842, and is well known to the Profession as contributor to the reports of De Gex & Smale and Smale & Giffard.

COMMISSIONER TO ADMINISTER OATHS IN COMMON LAW.—Thomas Harrison, jun., Gent., of No. 5, Walbrook, has been appointed a London Commissioner for administering oaths in common law in the Court of Exchequer.

We have to record the decease of Mr. Lancelot Shadwell, of the Chancery bar, revising barrister for Middlesex.

## CIRCUITS OF THE JUDGES.

(Mr. Baron BRAMWELL will remain in Town).

SPRING CIRCUITS, 1861.	MIDLAND.	HOME.	NORFOLK.	WESTERN.	N. WALES.	S. WALES.	NORTHERN.	OXFORD.
	CJ Cockburn J. Crompton	L. C. J. Erle J. Wightman	LCB Pollock J. Williams	B. Martin J. Willes	B. Channell	J. Byles	J. Hill J. Keating	J. Blackburn B. Wilde
Saturd., Feb. 16	.....	.....	.....	.....	.....	.....	Lancaster	.....
Wednesday... 20	.....	.....	.....	.....	.....	.....	Appleby	.....
Friday... 22	.....	.....	.....	.....	.....	.....	Carlisle	.....
Saturday... 23	.....	.....	.....	.....	.....	Haverford-	.....	.....
Wednesday... 27	Oakham	.....	.....	.....	.....	west & Th.	Newcastle &	.....
Thursday... 28	Northampton.	Hertford	.....	Winchester	.....	Cardigan	[Town] Reading	.....
Saturd., Mar. 2	.....	.....	.....	.....	.....	.....	Durham	.....
Monday... 4	Leicest. & B.	.....	Aylesbury	.....	.....	Carmarthen	.....	Oxford
Tuesday... 5	.....	Chelmsford	.....	.....	.....	.....	.....	.....
Wednesday... 6	.....	.....	.....	Dorchester	.....	.....	.....	.....
Thursday... 7	Nottingham	.....	.....	.....	.....	.....	York & City	Worcester &
Friday... 8	[& Town]	.....	Bedford	.....	.....	Swansea	.....	[City]
Saturday... 9	.....	.....	.....	Exeter & City	.....	.....	.....	.....
Monday... 11	.....	Maidstone	.....	.....	.....	.....	.....	Stafford
Tuesday... 12	Lincoln &	.....	Huntingdon	.....	.....	.....	.....	.....
Wednesday... 13	[City]	.....	.....	.....	Welchpool	.....	.....	.....
Thursday... 14	.....	.....	Cambridge	.....	.....	.....	.....	.....
Friday... 15	.....	.....	.....	Bodmin	.....	.....	.....	.....
Saturday... 16	Derby	.....	.....	.....	Bala	.....	.....	.....
Monday... 18	.....	Lewes	.....	.....	.....	.....	.....	.....
Tuesday... 19	.....	.....	Bury St. Ed.	Taunton	Carnarvon	.....	.....	Shrewsbury
Wednesday... 20	.....	.....	.....	.....	.....	.....	.....	.....
Thursday... 21	Warwick	.....	.....	.....	.....	Brecon	Liverpool	.....
Friday... 22	.....	.....	.....	.....	Beaumaris	.....	.....	.....
Saturday... 23	.....	Kingston	Norwich and	.....	.....	.....	.....	.....
Monday... 25	.....	.....	[City]	Devizes	Ruthin	.....	.....	Hereford
Wednesday... 27	.....	.....	.....	.....	.....	Presteign	.....	.....
Thursday... 28	.....	.....	.....	Bristol	Mold	.....	.....	Monmouth
Saturday... 30	.....	.....	.....	.....	Chester &	Chester &	.....	.....
Tuesd., April 2	.....	.....	.....	.....	[City]	[City]	.....	Gloucester &

bridge, Coatham, Kirkleatham, Yorkshire, butcher, March 11 at 11, Leeds.—*John Steel Laffhouse*, Liverpool, licensed victualler, Feb. 22 at 11, Liverpool.—*Isabelle Lilies Mary Harris*, widow, Liverpool, hosier, Feb. 25 at 1, Liverpool.—*Thos. Beech*, Everton, near Liverpool, joiner, Feb. 28 at 11, Liverpool.—*Andrew Irwin Birrell*, Duke-street, Lancashire, licensed victualler, Feb. 25 at 11, Liverpool.—*Matthew Somerville*, Liverpool, joiner, Feb. 25 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

*August Jennings* and *William Taylor Jennings*, Little Tower-street, City, commission merchants.—*Charles Gray Bail*, Peterborough, Northamptonshire, coal merchant.—*William Henry Godfrey*, Henley-on-Thames, Oxfordshire, bookseller.—*Oliver Alfred Seagood* and *Henry Willis Smith*, Wellington-road, Holloway, Middlesex, builders.—*George Henry Chace*, Oxford-street, St. Marylebone, Middlesex, shoemaker.—*Richard Starkey*, Stroud, Gloucestershire, draper.—*William Powell*, Newport, Monmouthshire, linen-draper.—*Matthew Henry Wilton*, Southport, Lancashire, grocer.—*Richard Hutchins Curtis*, Abersavon, Glamorganshire, grocer.—*John Parker Hall*, Liverpool, broker.—*James Saunders*, Cloughton, Birkenhead, Cheshire, general agent.—*James Napier*, Rhyl, Flintshire, shipowner.—*Reuben Newton*, Bold-lane Mill, Derby, silk throwster.—*Richard Goodacre*, Nottingham, grocer.

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TUESDAY, Feb. 5.

#### BANKRUPTS.

**JOHN ALCOCK**, Fuller-street, Bethnal-green, Middlesex, printers' joiner, Feb. 14 at 11, and March 19 at 12, London: Off. Ass. Bell; Sols. May & Son, 2, Princes-street, Spitalfields.—Pet. f. Jan. 24.

**ALEXANDER M'MILLAN** and **WILLIAM BLACKBURN**, Star-court, Bread-street, Cheapside, City, woollen warehousemen, Feb. 14 at 11, and March 14 at 12, London: Off. Ass. Johnson; Sols. Blakeley & Stone, 26, Nicholas-lane; Settle, Leeds.—Pet. f. Jan. 23.

**MARK HAYES** the younger, Staines-road, Hounslow, Middlesex, tea dealer, Feb. 15 at half-past 12, and March 19 at 1, London: Off. Ass. Johnson; Sol. Kent, 11, Cannon-street West, City.—Pet. f. Feb. 4.

**AMBROSE SKINNER**, Camberwell-green, Lambeth, and Denmark-hill and Dulwich, Surrey, coachbuilder, Feb. 18 at 11, and March 18 at 1, London: Off. Ass. Pennell; Sol. May, 67, Russell-square, London.—Pet. f. Jan. 30.

**JOHN MELCHIOR HAGENBUCH**, Addle-street, Aldermansbury, City, trimming dealer, Feb. 15 and March 15 at half-past 1, London: Off. Ass. Whitmore; Sol. Billing, 33, King-street, Cheapside.—Pet. f. Feb. 4.

**JOSHUA LE MARE** and **WILLIAM CLOSE CURRIE**, Broad-street-buildings, City, merchants, (trading under the name of *J. Le Mare & Co.*), Feb. 18 at 2, and March 20 at 11, London: Off. Ass. Pennell; Sols. Sale & Co., Manchester; Reed, 3, Gresham-street, London.—Pet. f. Dec. 29.

**WILLIAM KIRK**, Birmingham, wholesale milliner, Feb. 20 and March 25 at 11, Birmingham: Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. d. Jan. 25.

**BENJAMIN PENN** and **JOHN ATTWELL**, Tipton, Staffordshire, use iron manufacturers, Feb. 21 and March 14 at 11, Birmingham: Off. Ass. Whitmore; Sols. Caddick, West Bromwich; James & Knight, Birmingham.—Pet. d. Jan. 24.

**GEORGE BARTON**, Cromford and Bonsall, Derbyshire, draper, Feb. 19 and March 14 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Richardson, Manchester.—Pet. f. Feb. 2.

**JOHN BICKLEY**, Burton-upon-Trent, Staffordshire, grocer, Feb. 22 and March 15 at 11, Birmingham: Off. Ass. Kinnear; Sols. Potter & Crump, Walsall.—Pet. d. Feb. 1.

**MORGAN WILLIAM DAVID**, Aberaman, Glamorganshire, draper, Feb. 19 and March 19 at 11, Bristol: Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Jan. 17.

**CHARLES CAIRNS**, Newport, Monmouthshire, bonded store merchant, Feb. 19 and March 19 at 11, Bristol: Off. Ass. Acraman; Sol. Blakey, Newport, Monmouthshire.—Pet. f. Jan. 30.

**EDWIN PARKES**, Gloucester, currier, Feb. 19 and March 19 at 11, Bristol: Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Feb. 1.

**WILLIAM WHITAKER**, Bradford, Yorkshire, merchant, Feb. 15 and March 15 at 11, Leeds: Off. Ass. Young; Sols. Taylor & Jeffrey, Bradford; Blackburn & Son, Leeds.—Pet. d. and f. Jan. 22.

**WILLIAM BUXTON**, Liverpool, butcher, Feb. 15 at 12, and March 8 at 11, Liverpool: Off. Ass. Turner; Sol. Jones, Liverpool.—Pet. f. Feb. 1.

#### MEETINGS.

*Walter Palmer*, Pencoedy, Herefordshire, clothier, Feb. 16 at 11, Birmingham, ch. ass.—*Joseph E. Coz*, High-street, Lambeth, Surrey, dealer in stone ware, March 1 at 11, London, last ex.—*Charles W. Bourne*, Dudley, Worcestershire, corn factor, Feb. 22 at 11, Birmingham, aud. ac.—*Joseph T. Brown*, Coventry, watch manufacturer, Feb. 28 at 11, Birmingham, aud. ac.—*Samuel H. Coombs*, Oswestry, Shropshire, shoemaker, Feb. 22 at 11, Birmingham, aud. ac.—*Thomas Bennett* and *Edward Williams*, Tipton, Staffordshire, ironmasters, Feb. 22 at 11, Birmingham, aud. ac.—*Joseph Hulford*, Birmingham, licensed victualler, Feb. 22 at 11, Birmingham, aud. ac.—*Benjamin Jones*, West Bromwich, Staffordshire, corn factor, Feb. 28 at 11, Birmingham, aud. ac.—*Ann Haywood*, Shrewsbury, Shropshire, innkeeper, Feb. 28 at 11, Birmingham, aud. ac.—*Benj. James*, Brierley-hill, Staffordshire, currier, Feb. 28 at 11, Birmingham, aud. ac.—*David Bassett*, Uxbridge, Middlesex, corn merchant, Feb. 27 at 1, London, div.—*W. H. Rowe*, Gloucester-place, Gloucester-crescent, Regent's-park, Middlesex, builder, Feb. 27 at half-past 11, London, div.—*Adolph Worman*, Minories, City, and Alfred-street, Bow-road, Middlesex, boot manufacturer, March 1 at 11, London, div.—*John Fox*, Ashbourne, Derbyshire, scrivener, Feb. 28 at 11, Nottingham, aud. ac. and div.—*John Bartle*, Lenton, Nottinghamshire, lace manufacturer, Feb. 28 at 11, Nottingham, aud. ac. and div.—*M. Hewison*, Nottingham, hosier, Feb. 28 at 11, Nottingham, aud. ac. and div.—*G. Blackham*, Birmingham, grocer, March 1 at 11, Birmingham, div.—*George Jarvis*, Thos. Lees, and *Wm. H. Bradbury*, Longton, Staffordshire, china manufacturers, Feb. 28 at 11, Birmingham, div.—*Richard Bevan*, Liverpool, wine merchant, March 19 at 11, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Edward Shevington* and *James John Clutterbuck*, Russell-street, Bermondsey, Surrey, leather dressers, Feb. 27 at half-past 12, London.—*James White*, Chiddingstone, Kent, miller, Feb. 27 at 12, London.—*James M. Abbott*, Hanwell, Middlesex, carpenter, Feb. 27 at 11, London.—*Jas. Torney*, Queen's-road, Chelsea, Middlesex, grocer, March 1 at half-past 11, London.—*Edward Lewis*, Coleman-street, City, printer, Feb. 26 at half-past 12, London.—*Jas. L. Hodgson*, Manchester, money scrivener, March 1 at 12, Manchester.—*Richard Daniels* and *Samuel Daniels*, Bedford, Leigh, Lancashire, silk manufacturers, May 6 at 12, Manchester.

To be granted, unless an Appeal be duly entered.

*Edward R. Daint* and *John Wilson*, Old Broad-street, City, bill brokers.—*W. Strong*, Merton-road, Wandsworth, Surrey, builder.

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**JOHN DENTON, WILLIAM DENTON, and JOHN DENTON** the younger, Dartmouth-park, Forest-hill, Kent, builders, (trading under the firm of John Denton & Sons), Feb. 21 and March 22 at 11, London: Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Pet. f. Feb. 5.

**FRANCIS CONSTANTIN JOHN DEMOOR**, Northampton, bookseller, Feb. 19 and March 20 at half-past 1, London: Off. Ass. Stansfeld; Sols. Shield, Northampton; Harrison & Lewis, 8, Old Jewry, London.—Pet. f. Jan. 29.

**JOHN GEORGE SHIPLEY**, Regent-street, Middlesex, saddler, Feb. 19 at 11, and March 20 at 1, London: Off. Ass. Graham; Sols. Reece & Co., 10, St. Swithin's-lane, London.—Pet. f. Feb. 6.

**ROBERT SMITH**, Harwood-place, Hampstead-road, Middlesex, builder, Feb. 20 and March 25 at 12, London: Off. Ass. Pennell; Sols. Wild & Barber, 104, Ironmonger-lane.—Pet. f. Feb. 5.

**EDWIN CURTIS**, Strand, Middlesex, dealer in American goods, (carrying on business under the style of E. Curtis & Co.), Feb. 18 at 1, and March 25 at half-past 12, London: Off. Ass. Pennell; Sols. Allen & Co., 88, Queen-street, Cheapside.—Pet. f. Jan. 29.

**THOMAS BARRATT**, Market Drayton, Shropshire, timber merchant, Feb. 22 and March 15 at 11, Birmingham: Off. Ass. Kinnear; Sols. Warren, Market Drayton; Hodgson & Allen, Birmingham.—Pet. d. Feb. 7.

**JOHN BENT** the younger, Dudley, Worcestershire, grocer, Feb. 21 and March 14 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham; Wood, Dudley.—Pet. d. Feb. 2.

**EDWIN BOOTH**, Priors Lee, near Shifnal, Shropshire, maltster, Feb. 21 and March 14 at 11, Birmingham: Off. Ass. Whitmore; Sols. H. & J. E. Underhill, or Langman, Wolverhampton; Hodgson & Allen, Birmingham.—Pet. d. Feb. 7.

**WILLIAM DUNN**, Burslem, Staffordshire, grocer, Feb. 22 and March 15 at 11, Birmingham: Off. Ass. Whitmore; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. d. Feb. 4.

**EDWARD GOLDSCHMIDT and HERMANN BOAS**, Nottingham, wholesale stationers, (trading under the style or firm of Edward Goldschmidt & Co.), Feb. 21 and March 14 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Shilton, Nottingham.—Pet. d. Feb. 5.

**WILLIAM POPHAM DAVIS**, Cardiff, Glamorganshire, slate merchant, Feb. 19 and March 19 at 11, Bristol: Off. Ass. Miller; Sol. O'Donoghue, Bristol.—Pet. f. Feb. 6.

**HANDEL ASHWORTH**, Dukinfield, Cheshire, machine broker, Feb. 20 and March 13 at 12, Manchester: Off. Ass. Fraser; Sols. Darnton & Greaves, Ashton-under-Lyne; Sale & Co., Manchester.—Pet. f. Feb. 6.

**JOHN RILEY**, Blackburn, Lancashire, ironfounder, (carrying on business with John Cowell and James Cowell, under the style or firm of Cowell, Riley, & Cowell), Feb. 19 and March 12 at 12, Manchester: Off. Ass. Pott; Sol. Pankhurst, Manchester.—Pet. f. Feb. 5.

**JONATHAN FIELDING CALVERT**, Blackburn, Lancashire, draper, Feb. 20 and March 13 at 12, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. Jan. 29.

**JACOB HUNT**, Stockport, Cheshire, cotton manufacturer, Feb. 27 and March 20 at 12, Manchester: Off. Ass. Herniman; Sols. Earle & Co., Manchester.—Pet. f. Feb. 4.

## MEETINGS.

*Lewis Robert Poole and Samuel Bryan*, New Oxford-st., Middlesex, and Northampton, shoe manufacturers, Feb. 19 at half-past 11, London, last ex. of *Samuel Bryan*.—*Wm. Cox*, Lamb's Conduit-street, St. George the Martyr, Middlesex, pickle manufacturer, Feb. 20 at 1, London, last ex.—*Henry Saunders*, Brighton, Sussex, cabinet maker, Feb. 28 at half-past 1, London, aud. ac.—*Richard George Papps*, Barbican, City, builder, Feb. 28 at 12, London, aud. ac.—*Elias Mansfield*, Chesterton, Cambridgeshire, boatwright, Feb. 28 at 12, London, aud. ac.—*James Broadbridge*, Arundel, Sussex,

grocer, Feb. 20 at 1, London, aud. ac.—*David Wheldon*, Northampton, iron merchant, Feb. 19 at half-past 12, London, aud. ac.—*Chas. States*, Almershot, Southampton, club-house keeper, Feb. 20 at 12, London, aud. ac.—*Wm. Tugwell Fennell*, Brighton, Sussex, hatter, Feb. 20 at half-past 1, London, aud. ac.—*John George*, Pemberton-row, City, licensed victualler, Feb. 19 at 12, London, aud. ac.—*Thomas Septimus Pattison and Fredk. Miles*, Lawrence Pountney-hill, City, wholesale stationers, Feb. 26 at 12, London, aud. ac.—*Henry Rudd Knights*, Bermondsey-street, Southwark, Surrey, carrier, Feb. 26 at 1, London, aud. ac.—*Gibbs Hooves Murrell*, Surlingham, Norfolk, brickmaker, Feb. 26 at 2, London, aud. ac.—*John Browning*, Northumberland-terrace, Bagnigge-wells-road, Middlesex, grocer, Feb. 26 at 11, London, aud. ac.—*Henry Alfred Broome*, Russell-street, Covent-garden, Middlesex, licensed victualler, Feb. 26 at 2, London, aud. ac.—*Wm. Wolstenholme*, Manchester, ironmonger, Feb. 20 at 12, Manchester, aud. ac.; March 6 at 12, div.—*George Ritchie*, Newcastle-upon-Tyne, grocer, Feb. 19 at 12, Newcastle-upon-Tyne, aud. ac.—*Charles Stead*, Huddersfield, Yorkshire, cotton-waste dealer, Feb. 21 at 11, Leeds, aud. ac.—*Wm. Henry Sims*, Winstler, Derbyshire, apothecary, Feb. 23 at 10, Sheffield, aud. ac.—*John Lyons*, Sheffield, Yorkshire, steel manufacturer, Feb. 23 at 10, Sheffield, aud. ac.—*James Willats*, Finsbury-pavement, City, upholsterer, March 1 at half-past 12, London, div.—*Abraham Buhner*, Skinner-street, Snow-hill, City, importer of foreign glass, March 1 at half-past 12, London, div.—*Edward Russell Daunt and John Wilson*, Old Broad-street, City, bill brokers, March 1 at half-past 11, London, div.—*Richard Palmer*, Brighton, Sussex, plumber, March 2 at 11, London, div.—*Thomas Jackson*, Cannon-street, City, contractor, March 5 at 12, London, div.—*Wm. Phillips*, Norwich, currier, March 5 at 12, London, div.—*Arthur Wentworth and Thomas Wentworth*, Bermondsey, Surrey, skin salers, March 5 at 12, London, div.—*Abner Woodhall*, Barns Cray, Kent, felt manufacturer, March 5 at 1, London, div.—*John Lord*, *Sidney Aquila Butterworth*, and *Horatio Butterworth*, Shelf, near Halifax, Yorkshire, dyers, March 1 at 11, Leeds, div. sep. est. of *John Lord*.—*Peter Whitelock*, Leeds, Yorkshire, grocer, March 1 at 11, Leeds, div.—*Jas. Charles Parsons*, Beaumaris, Anglesea, publican, March 4 at 11, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Benjamin Chester Rawles*, Apollo-buildings, East-lane, Walworth, Surrey, shoe manufacturer, March 1 at 12, London.—*Frederick Caplin*, Drury-lane, Middlesex, hosier, March 1 at 1, London.—*James Toney* (and not *James Toney*, as previously advertised), Chelsea, Middlesex, grocer, March 1 at half-past 11, London.—*John Pearce*, Holborn-hill, Middlesex, woollendrapers, March 2 (and not *Feb. 5*, as previously advertised) at 11, London.—*C. West*, Brasted, Kent, baker, March 2 at 12, London.—*James Brooks* and *Samuel Pitts* the younger, Upper Thames-st., City, wholesale ironmongers, March 4 at 2, London.—*Thomas Pitcher*, Raven-row and South-street, Whitechapel-road, Middlesex, trunk maker, March 4 at 1, London.—*Wm. Newland Williams*, Farnham, Surrey, chemist, March 5 at 12, London.—*Charles Frankcom Lear*, Fishponds, Gloucestershire, baker, March 11 at 11, Bristol.—*William Cox*, Birmingham, grocer, March 1 at 11, Birmingham.—*William Rider*, Tunstall, Staffordshire, provision dealer, March 7 at 11, Birmingham.—*George Dodd*, Tunstall, Staffordshire, shoe dealer, March 7 at 11, Birmingham.—*Henry Slator*, Holbeach, Lincolnshire, common brewer, March 5 at 11, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Manwaring Wilson Bolton*, Waterloo-road, Surrey, commission agent.—*George Ekins Arnsby*, Earls Barton, Northamptonshire, shoe manufacturer.—*John Hawkes*, Hornsey-rise, Hornsey-road, Middlesex, builder.—*Samuel Head*, Woodbridge, Suffolk, upholsterer.—*Abner Woodhall*, Barns Cray, Kent, felt manufacturer.—*Thomas Alfred Pickering*, Pigott-street, Limehouse, Middlesex, manure dealer.—*Thomas Barton*, Wellington-street, Strand, Middlesex, publisher.—*Charles Maidlow*, Alma-square, Hill-road, St. John's

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## THE JURIST.

LONDON, FEBRUARY 16, 1861.

MR. GEORGE SYLVESTER, coroner for Wilts, appeared in the Court of Queen's Bench on the last day but one of Hilary Term, to shew cause against the rule obtained by the Attorney-General to quash the inquisition taken in the affair of the Road murder, and for a melius inquirendum. The coroner made an affidavit himself, and produced several others in support of his case; and after hearing his counsel in opposition to the rule, and the counsel for the Crown in support of it, the Court discharged the rule; saying that although, in their opinion, the coroner might in one respect have exercised a sounder discretion than he did, there were no sufficient grounds to justify their quashing the inquisition, or ordering a melius inquirendum. On the materials before them the Court could not have decided otherwise; but the result of the proceeding has been that, although we are apparently as far as ever from discovering the perpetrator of the Road murder, we are enabled to form a tolerably good conjecture as to the causes of the defeat which justice has sustained in that mysterious tragedy.

The circumstances of the Road murder, and the blundering and unsuccessful steps taken for its detection, are probably familiar to every person in the kingdom. We have stated them on former occasions, and need not now repeat them. After all those steps had failed, a light broke in on the authorities, and they concluded that probably the original cause of the mischief was to be found in the manner in which the inquest, held on the body in July last, was conducted by the coroner of Wilts. Acting on this view, the Attorney-General moved for and obtained the rule above mentioned, on three grounds—first, that the inquisition was bad as

being drawn up on paper instead of parchment; secondly, that the coroner had refused to pursue, and by his intervention prevented, certain important inquiries which the jury desired should be made; and, thirdly, that the coroner had misdirected the jury, by telling them that their duty was limited to ascertaining the cause of death, and that it was not their duty to inquire as to the person by whom the murder was committed, but that that was the duty of the magistrates. When the rule came on for argument, the first of these points was abandoned by the counsel for the Crown, so that we need only direct attention to the two last.

As to the second charge, the evidence adduced by the coroner, although it contradicts that of the Crown in some respects, does not contradict the essential fact that the jury were desirous to examine the inmates of the house where the body was found, and that the coroner opposed that course; that he finally gave way as regarded some of them, but peremptorily refused to examine the master of the house, although that person, by his attorney, declared his readiness to be examined. The coroner, however, stated, as his reason for this course, that the jury had very early in, and throughout the inquiry, assumed that the inmates of the house were the criminals, and had expressed their conviction to that effect in an indecorous and violent manner. This logic did not, however, satisfy the Court, and it would have been strange if it had. The English law has been assailed with much ridicule and invective on account of the indulgence it shews to accused persons and witnesses—most unjustly, when the real state of the law, and the reasons on which it is founded, are understood. But if our law were as expounded by the coroner of Wilts in this instance, it would richly deserve all that has ever been said against it. There is no rule of law that a man shall not be permitted to criminate himself; the law is, that

he is not *bound*, or shall not be *compelled*, to do so—*nemo tenetur seipsum prodere*; but if he chooses to do it, especially after having been warned by the tribunal of his danger, what he says is perfectly receivable against him. See now how, even according to his own shewing, the coroner of Wilts acted. A child is found murdered in a dwelling-house, in which there are several inmates, under circumstances which render it *highly probable* (for that is the extent of the evidence) that the murder was perpetrated by some one or more of them. On this the coroner assumes that such *must* have been the case, and, on the strength of that assumption, exhibits the greatest reluctance to examine the inmates, lest possibly he might stumble against the guilty person, and, when urged to examine the master of the house in particular, peremptorily refuses. No wonder the Court considered him guilty of an error in judgment.

But the remaining head of accusation remains to be considered—that the coroner told the jury that their duty was limited to ascertaining the cause of death, and that it was not their duty to inquire as to the person by whom the murder was committed, but that that was the duty of the magistrates—language of such a character that the Lord Chief Justice said “it was impossible the coroner could have given such a charge except from a corrupt motive.” The coroner, however, in his affidavit, positively denied that he did give that charge; and in this he is confirmed by six or seven other witnesses. He admitted, however, that certain portions of his summing up, taken singly, might bear that construction; and it must not be forgotten that no less than twenty witnesses on the part of the Crown, twelve of whom were on the jury, swore that he did give that charge. Under these circumstances the Court of Queen’s Bench had no alternative but to follow the established rule of practice—to believe the witnesses who swore last, leaving them to be indicted for perjury if their statements should turn out untrue. We think it exceedingly probable, that, although the coroner did not use the language he was charged with having used, he did use some language calculated, either directly or indirectly, to convey to the minds of the jury an impression of the nature imputed; and we are confirmed in this by the circumstance that one of his own witnesses deposed that the coroner “concluded by expressing his opinion that an open verdict would best further the ends of justice, as the evidence seemed to point to no one in particular; and that the coroner acted wisely in concluding the inquiry, and so leaving the matter in the hands of the magistrates.” What talisman for discovering the guilty party is in the possession of magistrates more than of a coroner’s inquest, when the evidence points to no one in particular, we are at a loss to imagine.

There are two observations suggested by this unfortunate affair. First, that the defeat which justice has for the present (we hope only for the present) sustained does not seem traceable to any defect in the law, whatever may be said of the conduct of those appointed to administer it. Secondly, it is a favourite doctrine among a certain class of legal reformers, that

the institution of the coroner’s jury is absurd, or at least antiquated, and that it would be far better to entrust all inquiries about the perpetration of secret crimes, to officials, either in the shape of magistrates, police, or otherwise; and indeed some notion of this sort appears to have existed in the mind of the coroner of Wilts on the present occasion. Look at this theory by the light afforded by the Road murder. The lay and *unofficial* jurors, acting on the natural dictate of common sense, “if you do not know, inquire,” desired to examine the inmates of the house where the corpse was found, in order to get information from the quarter whence it might most naturally be expected. To this the *official* coroner offers every resistance, from error in judgment indeed, but still with fatal success. The next *official* person who appears is an experienced detective officer, sent down from the metropolis, who exhibited his discretion by publicly charging a young lady with murder because she could not account for all her night-dresses, and had used to her schoolfellows some expressions indicative of dislike to her half-brother and sister. A mischievous idiot next declares himself the murderer, and when brought before the magistrates proves an alibi, and is dismissed, the magistrates generously paying him passage home. Some policemen are sent to search the house; they find a bloody shift carefully hidden in a place where it was likely to be burnt; and suppress this piece of real evidence from the magistrates, because there were females in the house—conduct only defensible if we can admit the hypothesis that women are in the habit of burning their linen once a month. Next, one of the magistrates, dissatisfied with the inquiries made by his brethren, and acting in avowed defiance of all the rules of evidence, holds a special inquiry for himself, in which every species of village gossip, absurd conjecture, and malicious imputation is received indiscriminately. In short, the case of the Road murder does not afford the school of law reformers to which we have alluded much encouragement in their theory, or much temptation to the people of England to part with that which for ages has been the great protection of human life in this country—the coroner’s jury.

#### THE EXTRADITION CASE.

THIS subject has been brought before the House of Commons by Mr. Sheridan and Mr. Collier. The Prime Minister stated, that before the *habeas corpus* was moved for, the Secretary of State for the Colonies wrote to the Governor-General of Canada, directing that Anderson should not be given up to the authorities of the United States until instructions to that effect were sent from England. Lord Palmerston also said that Anderson would not be brought to England by the route of the United States, and consequently must not be expected in England until navigation by the other route is open.

Mr. Norton, Master of the Crown Office, has been promoted to the office of Queen’s Coroner and Attorney, vacant by the decease of Mr. Corner. Mr. J. G. Malcolm, of the Home Circuit, succeeds Mr. Norton as Master of the Crown Office.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—In the article on the franchise in the slave States of America, published in to-day's number, there are several mistakes, which I am sure you will be anxious to correct.

The two references in the United States Constitution to slaves, mentioned in the article, are not the only references. In art. 1, sect. 9, "the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such persons, not exceeding ten dollars for each person." As soon as the time came Congress exercised this power, so far as to prohibit, by an act of the 2nd March, 1807, the importation of slaves from abroad after the 1st January, 1808.

In speaking of the election of President and Vice-President, your writer has given the rule as laid down in the original constitution, without mentioning that in 1803 an amendment of the constitution was made, under which, ever since, the Vice-President has been voted for in a separate ballot from the President, but at the same time.

Again: it is a mistake to say, that "in some States senators are returned for the same term, five years (as the members of the lower house); in others for four years." The following is, I believe, a correct statement:—In Alabama the senators are elected for three years, the members of the lower house for one year; in Florida, the former for two years, the latter for one; in Georgia, North Carolina, and Tennessee, both for two years; in all the other slave States, the senators for four years, the members of the lower house for two years.

Again: the Governor of Georgia has been since 1824 elected by the people. South Carolina is the only State in which the Governor is chosen by the legislature, as she is the only one in which the legislature chooses the electors for President of the United States.

In the enumeration of slave States, Missouri is improperly omitted, and New Jersey improperly included. In the latter State, as late as 1860 there were 236 apprentices, the relics of slavery, in accordance with the State Act to abolish it of the 18th April, 1846; but it cannot be included amongst the slave States. Moreover, the term of office in that State is three years for governor, three for senators, and one for the lower house.

My authorities for the above statements are (chiefly) the Constitutions of the States, New York, 1854, and the Statesman's Manual, do. The American Almanac is, I think, inaccurate in one or two cases.

I have the honour to be,

Your constant subscriber and well-wisher,  
HENRY T. RILEY.

St. John's College, Cambridge, Feb. 9, 1861.

[We are obliged to Mr. Riley for his communication. "The same term, five years," was a misprint for "the same term of two years." Our information was taken from the most recent authorities at hand—Brightley's Digest of the Laws of the United States, Philadelphia, 1858, and Bouvier's Law Dictionary, Philadelphia, 1855. Unlike Mr. Crabtree, we are willing to admit that our correspondent's statement, as it is more circumstantial, is likely to be also more correct than ours. We had overlooked the saving of

the slave trade by art. 1, sect. 9, of the charter of liberty. It is, both formally and substantially, a fine example in the art of compromise.—Ed.]

## EAST INDIA STOCK AS AN INVESTMENT FOR TRUSTEES.

TO THE EDITOR OF "THE JURIST."

SIR,—Since trustees, in the absence of express direction to the contrary, are now, by recent legislation, authorised to invest in East India Stock, it may be well to call particular attention to one of its incidents which seems materially to affect its eligibility as a security for trust funds. I allude to the fact of its being subject to redemption by Parliament after the 30th April, 1874, at the rate of 200l. per centum. (See stat. 3 & 4 Will. 4, c. 85, s. 12).

The market price of the stock being now 217l.-220l., it is obvious that, where the cestuis que trust are entitled in succession, a trustee, by investing, would be benefiting the first takers at the expense, or at least at the risk, of their successors.

Probably, however, it would be held that the statutory indemnity does not apply to such a case, as the 32nd section of stat. 22 & 23 Vict. c. 35, only operates "provided that such investment shall in other respects be reasonable and proper."

If this section had stood alone, I should have no doubt that the proviso would, in the case referred to, have excluded a trustee from the indemnity; but it might be contended that the 23 & 24 Vict. c. 38, s. 11, coupled with the General Order of the 1st inst. (and which Order authorises an investment of monies under the control of the Court in certain specified securities, of which East India Stock is one), confers on trustees acting bona fide an absolute and unqualified indemnity.

I am, Sir, yours obediently,

Feb. 11, 1861.

J. C.

## BOOKS RECEIVED.

WE purpose, for the future, to acknowledge immediately in our columns the receipt of all books sent to us for review; but this will be entirely irrespective of future notice of them.

The Practice of the Sheriff's Court of the City of London; with Forms of the Proceedings to be used by Suitors, and an Appendix of the Statutes, and Rules and Orders of the Court. By O. B. C. Harrison, M.A., of the Inner Temple, Barrister-at-Law.—Sweet, 1860.

A Treatise on the Statutory Jurisdiction of the Court of Chancery, with an Appendix of Precedents. By William Whittaker Barry, Esq., of Lincoln's Inn, Barrister-at-Law.—V. & R. Stevens & Sons, 1861.

The Law of Debtor and Creditor; to which is subjoined a Table of the Courts in England and Wales for the Recovery of Debts. By Charles Francis Trower, Esq., M.A., of the Inner Temple, Barrister-at-Law, late Fellow of Exeter College, and Vinerian Scholar, Oxford.—V. & R. Stevens & Sons; Sweet; and W. Maxwell, 1860.

A Handy Book of Patent and Copyright Law, English and Foreign, for the Use of Inventors, Patentees, Authors, and Publishers; comprising the Law and Practice of Patents, the Law of Copyright of Designs, the Law of Literary Copyright. By James Fraser, Esq.—Sampson Low, Son, & Co., 1860.

Reform of the Laws relating to Bankruptcy and Insolvency. A Second Letter to Sir Richard Bethell,

Knt., M. P., Her Majesty's Attorney-General. By Bennet Hoskyns Abrahall, M.A., of the Inner Temple, Barrister-at-Law, and a Registrar of the Court of Bankruptcy.—V. & R. Stevens & Sons, 1861.

A Manual of Equity Jurisprudence, founded on the Works of Story and Spence, and comprising in a small Compass the Points of Equity usually occurring in Chancery and Conveyancing, and in the general Practice of a Solicitor. By Josiah W. Smith, Esq., B.C.L., of Lincoln's-inn, Barrister-at-Law; Editor of "Mifflin's Chancery Pleadings" and "Fearn's Contingent Remainders;" Author of "A Compendium of the Law of Real and Personal Property;" and one of the Consolidators of the Chancery Orders. Sixth Edition.—London: V. & R. Stevens & Sons. Edinburgh: T. & T. Clark. Dublin: Hodges, Smith, & Co., 1861.

A Compendium of the Law of Merchant Shipping; with an Appendix, containing all the Statutes and Forms of Practical Utility. By Frederic Philip Maude and Charles Edward Pollock, Esqrs., of the Inner Temple, Barristers-at-Law. Second Edition.—Sweet, 1861.

The Common-law Procedure Acts, and other Statutes relating to the Practice of the Superior Courts of Common Law, and the Rules of Court, with Notes. By John C. F. S. Day, Barrister-at-Law.—Sweet, 1861.

The Common-law Procedure Acts of 1852, 1854, and 1860; with Notes, and the Forms and Rules; to which are prefixed or appended all the Acts (or portions of Acts) relating to Common-law Procedure, or the Trial of Issues of Fact in the Courts of Common Law, Chancery, or Probate, with the Rules of each Court respectively. Adapted to the Use of Practitioners in all the Courts, and also to the Use of Students. By W. F. Finlason, Esq., of the Middle Temple, Barrister-at-Law, Editor of "The Common-law Procedure Acts, 1852 and 1854."—V. & R. Stevens & Sons, 1860.

A Handy Book for the Common-law Judges' Chambers. By George H. Parkinson, Chamber Clerk to the Hon. Mr. Justice Byles.—Butterworths, 1861.

Lectures, Elementary and Familiar, on English Law. By James Francillon, Esq., County Court Judge. First Series.—Butterworths, 7, Fleet-street; Hodges, Smith, & Co., Grafton-street, Dublin, 1860. Ditto, Second Series, 1861.

## REGULÆ GENERALES.

### ORDER OF COURT.—FEBRUARY 1, 1861.

#### *As to Investments.*

THE Right Hon. JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. Sir JOHN ROMILLY, Master of the Rolls, the Right Hon. the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, the Right Hon. the Lord Justice Sir GEORGE JAMES TURNER, the Hon. the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, the Hon. the Vice-Chancellor Sir JOHN STUART, and the Hon. the Vice-Chancellor Sir WILLIAM PAGE WOOD, doth hereby, in pursuance and execution of the powers given by the stat. 23 & 24 Vict. c. 38, and of all other powers and authorities enabling him in that behalf, order and direct in manner following:—

I. Cash under the control of the court may be invested in Bank Stock, East India Stock, Exchequer Bills, and 2l. 10s. per Cent. Annuities, and upon mortgage of freehold and copyhold estates respectively in England and Wales; as well as in Consolidated 3l. per Cent. Annuities, Reduced 3l. per Cent. Annuities, and New 3l. per Cent. Annuities.

II. Every petition for the purpose of the conversion of any 3l. per Cent. Bank Annuities into any other of the stocks, funds, or securities hereinbefore mentioned, shall be served upon the trustees, if any, of such Bank 3l. per Cent. Annuities, and upon such other persons, if any, as the court shall think fit.

CAMPBELL, O.

JOHN ROMILLY, M. R.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

RICHD. T. KINDERSLEY, V. C.

JOHN STUART, V. C.

W. P. WOOD, V. C.

### ORDER OF COURT.—FEBRUARY 5, 1861.

#### *On Evidence.*

The Right Hon. JOHN Lord CAMPBELL, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. Sir JOHN ROMILLY, Master of the Rolls, the Right Hon. the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, the Right Hon. the Lord Justice Sir GEORGE JAMES TURNER, the Hon. the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, the Hon. the Vice-Chancellor Sir JOHN STUART, and the Hon. the Vice-Chancellor Sir WILLIAM PAGE WOOD, doth hereby, in pursuance and execution of powers given by the stats. 15 & 16 Vict. c. 86, and 23 & 24 Vict. c. 128, and of all other powers and authorities enabling him in that behalf, order and direct in manner following:—

I. The course of proceeding prescribed by the stat. 15 & 16 Vict. c. 86, with regard to the mode of examining witnesses and taking evidence in the Court of Chancery, and the practice of the court relating thereto, shall be and hereby are altered in the manner and to the extent prescribed by the following rules, but not further or otherwise.

II. The rules numbered respectively 3 and 4 of the 18th of the Consolidated General Orders, and the rules numbered respectively 3, 7, 9, and 13 of the 19th of the same Orders, are hereby abrogated.

III. In any cause in which issue is joined, the plaintiff or any defendant may, at any time within fourteen days after issue joined, apply to the judge in chambers, by summons to be served on the opposite party, for an order that the evidence in chief as to any facts or issues (such facts and issues to be distinctly and concisely specified in the summons) may be taken *vivâ voce* at the hearing of the cause; and the judge may make an order that the evidence in chief as to such facts and issues, or any of them, shall be taken *vivâ voce* at the hearing accordingly; and the facts and issues, as to which any such order shall direct that the evidence in chief shall be taken *vivâ voce* at the hearing, shall be distinctly and concisely specified in such order; but in case the judge shall be satisfied that such application is unreasonable, or made for the purpose of delay, oppression, or vexation, he may refuse to make any such order; and where any such order shall have been made, the examination in chief, as well as the cross-examination and re-examination, shall be taken before the court at the hearing as to the facts and issues specified in such order. And no affidavit or evidence taken before an examiner shall be admissible at the hearing of any such cause in respect of any fact or issue which shall be included in any such order as aforesaid.

IV. Save as aforesaid, and save in the case mentioned in the 11th of these rules, it shall not be competent to the plaintiff or any defendant to require, by notice or otherwise, that the evidence in chief to be used at the hearing of a cause shall be taken orally.

But, except as to facts or issues included in any order directing evidence in chief to be taken *vivâ voce* at the hearing, under the 3rd of these rules, each party in a cause in which issue is joined shall be at liberty to verify his case either wholly or partially by affidavit, or wholly or partially by the oral examination of witnesses *ex parte* before one of the examiners of the court, or before a special examiner, in the manner prescribed by the 6th of these rules.

V. The evidence in chief on both sides, in any cause in which issue is joined, to be used at the hearing thereof, in respect of facts and issues not included in any order for taking evidence in chief *vivâ voce* at the hearing, under the 3rd of these rules, shall, whether taken by affidavit or before an examiner (and including the cross-examination and re-examination of any witness or other person under the 10th and 11th of these rules), be closed within eight weeks after issue joined, unless the time be enlarged by special order.

VI. Except in the cases mentioned in the 10th, 11th, 16th, and 17th of these rules, all examinations taken by the examiners of the court, or by any special examiner, for the purpose of being used at the hearing of a cause in which issue is joined, shall be taken *ex parte*; and no person shall have a right to be present at the taking of any such examination except the party producing the witness, his counsel, solicitor, and agents; and every examination so taken *ex parte* shall be deemed to be an affidavit; and the examiner, before transmitting the same to the office of the Clerks of Records and Writs to be filed, shall mark the same as taken *ex parte*, and the Clerks of Records and Writs shall deal with the same as an affidavit.

VII. Except in the cases mentioned in the 10th, 11th, 16th, and 17th of these rules, no cross-examination of any deponent or witness, or of any party, to be used at the hearing of a cause in which issue is joined, shall be taken otherwise than before the court at the hearing.

VIII. Where any such order as is mentioned in the 3rd of these rules has been made, the Clerks of Records and Writs, upon giving a certificate that the cause is ready for hearing, shall make, in or upon the certificate, an entry shewing that an order for taking evidence in chief *vivâ voce* at the hearing has been made; and the registrars, in setting down the cause for hearing in the cause-book of the judge to whose court the same is attached, shall mark the same so as to indicate that the taking of evidence in chief *vivâ voce* at the hearing has been ordered; and the same shall not come on to be heard without the special direction of the court, which may be obtained upon an application to the court by either party, upon notice, to have a day fixed for the hearing.

IX. Where any such order, as mentioned in the 3rd of these rules, has been made, each party shall be at liberty to sue out, at the Record and Writ Clerks' Office, subpoenas *ad testificandum* and subpoenas *duces tecum*, to compel the attendance, at the hearing, of witnesses whom he may desire to produce on any issue or matter of fact included in such order. Such subpoenas may be according to the forms of subpoenas now in use in this court, with such variations as the circumstances of the case shall require.

X. Notwithstanding any of the preceding rules, if, at any time after issue joined, the parties shall, by writing signed by them or their respective solicitors, and filed at the office of the Clerks of Records and Writs, agree that the oral examination in chief and cross-examination of any witness or witnesses (whether a party or parties, or not), or the cross-examination of any person or persons who shall have an affidavit or affidavits, or who shall have been examined

*ex parte* before an examiner, shall be taken before one of the examiners of the court, or a special examiner, in manner provided by the stat. 15 & 16 Vict. c. 86, such examination may be taken accordingly; and in case, by virtue of any such agreement, any witness or person shall be examined in chief before the examiner or special examiner, the cross-examination and re-examination of such witness or person shall be taken before the same examiner or special examiner, or his successor in office; and the cross-examination of every witness so examined in chief shall immediately follow his examination in chief, and the re-examination of every witness or person so cross-examined shall immediately follow his cross-examination.

XI. Notwithstanding any of these rules, the court, or the judge in chambers, may direct that the oral examination and cross-examination of any witness (whether a party or not), or the cross-examination of any person who has been examined *ex parte* before an examiner, or made an affidavit, shall be taken before an examiner of the court or a special examiner, in the manner prescribed by the stat. 15 & 16 Vict. c. 86, as if these rules had not been made, in case it shall appear to the judge, that owing to the age, infirmity, or absence out of the jurisdiction of such witness or person, or for any other cause which to the judge shall appear sufficient, it is expedient that such direction should be given. Such direction may be obtained on application to the court or the judge in chambers, on notice.

XII. In the case of the examination or cross-examination, under the last preceding rule, of any person in England or Wales, the party requiring such examination or cross-examination may apply to the court or the judge in chambers for an order that one of the examiners of the court may attend, for the purpose of such examination or cross-examination, at any place or places in England or Wales to be named in such order.

XIII. The examiner shall, in respect of expenses incident to the performance of his duty under such order as mentioned in the last preceding rule, be entitled to receive, on the production to him of such order, such sums of money as are mentioned in the schedule hereto. Such sums shall be paid to him by the party obtaining such order; and, subject to any direction of the court, or of the judge in chambers, to the contrary, shall be costs in the cause.

XIV. Upon any appeal, rehearing by way of appeal, or further proceedings, the judge's notes of the *vivâ voce* evidence shall *primâ facie* be deemed to be a sufficient note thereof.

XV. Evidence taken in a cause subsequently to the hearing, shall continue to be taken according to the provisions of the stats. 15 & 16 Vict. c. 80, and 15 & 16 Vict. c. 86, subject, however, to any special directions which may be given in any particular case; and all evidence taken at the hearing of any cause may be used in any subsequent proceeding in the same cause.

XVI. In suits to perpetuate testimony, evidence shall continue to be taken according to the now existing practice.

XVII. The evidence to be used at the hearing of causes in which issue shall have been joined before the first day of Easter Term, 1861, shall be taken according to the now existing practice.

XVIII. No affidavit filed on or after the first day of Easter Term, 1861, shall be used as evidence on any proceeding in any cause or matter unless there be written at the foot thereof, at the time of filing the same, a memorandum stating by whom the same is filed, which memorandum shall be in the form following, or as near thereto as circumstances will admit;

that is to say, "This affidavit is filed on the part and behalf of the plaintiffs," (or "of the defendants M. and N.")

XIX. Where in any cause or matter a party has filed an affidavit, or where, in any cause in which issue has been joined, a party has examined a witness *ex parte* before the examiner, under the 6th of these rules, any opposite party, desiring to cross-examine the deponent or witness, shall not be obliged to procure the attendance of such deponent or witness for cross-examination either before the examiner or before the court; but any such opposite party may serve upon the party by whom such affidavit has been filed, or witness examined, or his solicitor, a notice in writing requiring the production of such deponent or witness for cross-examination before the examiner or before the court, as the case may be, such notice to be served within such time as hereinafter mentioned, or within such time as in any case the court or the judge in chambers may specially appoint; that is to say, where such cross-examination is to be taken before the court at the hearing of a cause in which issue is joined, then at any time before the expiration of fourteen days next after the closing of the evidence; and where such cross-examination is to be taken before the examiner in a cause in which a notice of motion for a decree or decretal order has been served, and to be used at the hearing of such motion, then at any time before the expiration of fourteen days next after the end of the time allowed for the plaintiff to file affidavits in reply; and in every other case within fourteen days next after the filing of the affidavit or examination upon which such deponent or witness is to be cross-examined; and unless such deponent or witness be produced accordingly, such affidavit or examination shall not be used as evidence unless by the special leave of the court. The party producing such deponent or witness shall be entitled to demand the expenses thereof in the first instance from the party requiring such production; but such expenses shall ultimately be borne as the court shall direct.

XX. Where any such notice as is mentioned in the 19th of these rules is given, the party to whom it is given shall be entitled to compel the attendance of the deponent or witness for cross-examination before the court at the hearing of the cause, or before the examiner, as the case may be, in the same way as he might compel the attendance of a witness to be examined *in viva voce* at the hearing under the 3rd of these rules.

XXI. Where any such notice as mentioned in the 19th of these rules is given for the production of any deponent or witness, for cross-examination at the hearing of a cause in which issue is joined, either party may, upon notice, apply to the court or to the judge in chambers to fix a day for the hearing of the cause.

XXII. Any party in any cause or matter requiring the attendance of any witness, whether a party or not, before the court, or before one of the examiners of the court, or a special examiner, for the purpose of being examined, or of being cross-examined, shall give to the opposite party forty-eight hours' notice at least of his intention to examine or cross-examine such witness; such notice to contain the name and description of the witness, and the time and place of such examination or cross-examination, unless the court shall in any case think fit to dispense with such notice.

XXIII. Each statement in an affidavit, which is to be used as evidence at the hearing of a cause or matter, or of a motion for a decree or other motion, or on any other proceeding before the court or before the judge in chambers, shall shew the means of knowledge of the person making such statement.

XXIV. In all causes and matters to which any infant, married woman, person of unsound mind, whether found so by inquisition or not, or person under any other disability, is a party, any consent as to the mode of taking evidence, or of any other procedure, shall, if given with the sanction of the court or of the judge in chambers, by the next friend, guardian, committee, or other person acting on behalf of the person under such disability, have the same force and effect as if such party were under no disability, and had given such consent: provided that no such consent by any committee of a lunatic shall be valid, as between him and the lunatic, unless given with the sanction of the Lord Chancellor or Lords Justices sitting in lunacy.

XXV. These rules shall come into operation on the first day of Easter Term, 1861; and the general interpretation clause in the Consolidated General Orders shall be deemed to extend to the rules of this Order.

CAMPBELL, C.  
JOHN ROMILLY, M. R.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.  
RICHD. T. KINDERSLEY, V. C.  
JOHN STUART, V. C.  
W. P. WOOD, V. C.

#### SCHEDULE

##### REFERRED TO IN RULE XIII.

*Expenses to be allowed to an Examiner of the Court when acting under any such Order as mentioned in the 12th of the above Rules.*

	£	s.	d.
For every day in which he is necessarily, and without any default of his own, detained in the performance of such duty, for his expenses, the sum of .....	1	1	0
For every mile he travels from the Examiners' Office to the place of examination, and from one of the places of examination or cross-examination (if more than one) to another of them, and from the place where he last acts in such examination or cross-examination to the Examiners' Office, the sum of .....	0	1	6

CAMPBELL, C.  
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#### THE LAW OF BANKRUPTCY AND INSOLVENCY.

##### SPEECH OF THE ATTORNEY-GENERAL.

ON Monday evening the Attorney-General introduced into the House of Commons a bill to amend the law relating to bankruptcy and insolvency. Its nature and extent will be clearly understood from his speech on introducing it, which we give as reported in *The Times* of Tuesday, and from which it will be seen that the new bill differs very materially from that of last session.

The Attorney-General rose to move for leave to bring in a bill to amend the law relating to bankruptcy and insolvency. He said—I hope the bill which I am about to move for leave to introduce will be brought before you under happier auspices than its predecessor of last year. At the same time I must say that, while I regretted the necessity of abandoning

the unfortunate bill of last session, I have been very much consoled by the reflection that in preparing the present measure I have had to direct my attention to a number of topics to which I felt it necessary that greater consideration should be given; and I hope that I have succeeded in framing a measure which you will receive with greater favour than you were disposed to shew to that which preceded it. You will recollect that one of the circumstances that accompanied the introduction of that bill was its ponderous appearance. I have deferred to the opinion then expressed, and surrendered my own judgment to the feeling that prevailed; and I am happy to say that the bill which I now propose to introduce is less by one-half than the bill of last session. But you will do me the favour to recollect that the bill which I then introduced was a consolidating, as well as an amending measure. The law of bankruptcy is entirely *lex scripta*. It is composed of statutory provisions, and those provisions are to be found scattered over a great number of acts of Parliament, all of which must be consulted in order to obtain a just idea of the law. As there exists a general opinion that acts of Parliament ought to be consolidated, I felt last year that it was my duty to attempt to consolidate the whole of the written law on the subject of bankruptcy. The present, however, is only an amending bill, and is therefore of a fragmentary and disconnected character, the provisions of which cannot be at once perfectly understood from the want of those lights that might be cast on them from other statutes which are left untouched. In framing the present bill I have entirely abandoned consolidation, though my feelings and sentiments are all in favour of a consolidating measure; but it is at all times desirable to propose that which is likely to pass; and if I can succeed in inducing you to pass this measure during the present session—a measure more than ever demanded by the mercantile community—it will in some future session probably enable us to consolidate the whole law of bankruptcy, of which this bill, if it receives your approbation, will form an important element. I will very shortly remind you of the important principles which it was desired to establish and carry into execution by the measure of last year. You will remember, probably, that one of the great evils which I thought called for a remedy was the confusion that now exists in bankruptcy between the judicial and administrative functions of the court. These are conducted in such a manner that the one has no order, or economy, or regularity, and the other has neither dignity nor efficiency. One object of the last bill, therefore, was to separate the judicial from the administrative functions—to bring home to the body of the creditors all those duties touching the administrative part of the law which it is necessary should be discharged in the first instance; and, at the same time, to give to the judicial functions of the court that uniformity and certainty of decision, and that elevation of judgment, which would wipe away the reproach that now attaches to the law as it stands. One of the other features of the late measure was to restore to the creditors of the bankrupt the power of settling their own affairs. The principle on which the law of insolvency rests is, that the moment a man becomes clearly insolvent his estate belongs to his creditors, and the creditors are the parties who should be consulted as to the mode of administering and disposing of the estate. Unfortunately, the history of the law shews that partly from the apathy of creditors, and partly from other causes, great evils existed in the modes of administration formerly followed. Great changes were made in the hope of remedying these evils, but nevertheless it was found that creditors refused to avail themselves of proceedings which they fancied to be injurious to their interests. There was an enormous amount of formality and technicality, and officials were established who destroyed that property which it was their duty to protect. To remedy these evils was one of the objects of the bill of last year, and all that it was hoped to accomplish by that bill in this respect will be embodied in the present measure. Another object of that bill was to effect a reduction of the great expense incurred by the law charges of the Court of Bankruptcy. It is quite unnecessary that I should justify the introduction of a measure on this point, because the evil is universally admitted; but I shall shortly enumerate to the House some of the different sources of that expenditure, which exists in consequence of those changes that have at different times been made since 1831. On every estate brought into bankruptcy there is a

considerable sum to be paid on its first introduction; then there are charges for the messengers—gentlemen who are receiving very considerable incomes for the performance of very slight duties; then there are fees paid to the auctioneer, the broker, and the accountant, fees on public sittings, registrar of meetings, and fees for sittings; the building fund, ad valorem per-centage fees to the official assignee, allowance to bankrupt for maintenance, allowances or dividend and excepted articles, and solicitors' charges. Probably it will be remembered that last year I shewed, from returns before the House, that the charges on the administration of estates in bankruptcy amounted to not less than 33 per cent. Another object of the bill of last year was to establish an effective audit, and the control and superintendence of creditors through the medium of official assignees; and also to inform creditors, by the transmission of the proper accounts, of an estate and the manner of collection. Another object of the bill of last year was the subjecting the insolvent or bankrupt, when applying for his discharge, to a proper tribunal, with the power of punishment in cases of fraudulency. All these different objects it has been my endeavour to provide for by this bill. But, before entering more particularly into that point, I may be permitted to say that in presenting this measure to the House, I present it as in my judgment the best that is attainable under the circumstances. Any one who approaches this subject with the intention of reforming the law finds the ground covered by establishments which have been again and again modified, until the Legislature has become, in regard to bankruptcy, jealous and suspicious of all further attempts at reform, and is adverse to permitting any expenditure of public money in this direction. Under these circumstances little can be done except to modify that which now exists. Undoubtedly, by giving away money under that odious name "compensation," it would be possible to build up a much simpler form of administration of this important part of the law. Whatever, too, may be done by way of enactment, a great deal is requisite for the reform of the administration of bankruptcy, which must be left to the prudence, care, and superintendence of the creditors themselves. No act of Parliament can supply that want of care, attention, and supervision; and whatever safeguards Parliament may devise, if the creditors are indifferent to their interests, if they shew a perfect disregard whether they will or will not call for accounts, and examine the conduct of their debtors, we may expect to see the frequent exhibition of things that shock the feelings of morality and integrity that ought to prevail—we may expect to see enormous defalcations, or some great and outrageous instances of commercial delinquency such as have lately been made manifest, and which have, unfortunately, remained unpunished. While, therefore, much may be done by the Legislature, much will still remain to be done by those who ought to watch over their own interests. I will first direct the attention of the House to the alterations proposed to be made in the formation of the court, and the manner of administering the law, and I will then give a sketch of the procedure in bankruptcy as it will exist under this bill if it should be passed. I will then pass on to another and separate branch of the subject, namely, the propriety of abolishing the present jurisdiction for the examination and discharge of insolvent debtors. I thought last year that it was desirable to have one law of insolvency, and to subject the trader and the non-trader to one uniform system of administering the law if they became insolvent. The House will recollect that it received last session with approbation the proposal to give a chief judge to the Court of Bankruptcy. At present the law is administered by numerous commissioners, and, as to a portion of the cases, by the county court judges. It was thought that there was great difficulty in obtaining uniformity of decisions unless there were some ready means of approaching a court of appeal. The House was unanimous in thinking that it would be proper to have a chief judge at the head of the administration of bankruptcy, to secure uniformity, certainty, and dignity. I have therefore retained that portion of the plan of last year. One of the proposals of the bill of last year was, however, to abolish at once the five London commissioners, and to place two other commissioners in their room. That proposal involved the necessity of giving to those gentlemen, for the rest of their lives, retiring annuities to the full amount of their present salaries. That proposal did not appear acceptable; and I have thought it right to continue these commissioners in



precisely the same situation as at present. Their duties under the present bill will not probably be greatly augmented, considering the appointment of a chief judge, and the proportion of labour that will fall on his shoulders. That will be, at all events, for the House to determine; but I propose, in the present bill, to retain that part of the existing system, without any alteration. The bill of last year proposed the abolition of the Insolvent Debtors Court, and with it the removal and discharge of the commissioners of that court. One of the commissioners, Mr. Serjeant Murphy, has since died. Another commissioner was appointed in his place, but on the understanding that if it pleased Parliament to put an end to the court, he was not to be entitled to any compensation. At present, therefore, so far as compensation is concerned, there is but one commissioner of the Insolvent Court; and if the present scheme is carried into effect, it will leave the administration of justice, both in bankruptcy and insolvency, in the London district, in one and the same court. That district is exceedingly extensive, stretching from the extremity of Norfolk on one side to the borders of Hampshire on the other. There will, therefore, be in the London district a chief judge and five London commissioners to discharge the duties of the law of bankruptcy and insolvency. Another part of the bill proposes to augment the jurisdiction of the county courts. By the former bill power was given to the creditors to take the administration of bankruptcy from the district courts to the county courts. It provided, however, that those estates only should be transferred by consent of the creditors from the bankruptcy courts to the county courts where the assets do not exceed 1000*l*. I have since thought that no reason exists for that limit—that the creditors were able to judge for themselves on this point, and had the right to do so. I therefore propose to continue to the creditors the power of removing an estate from the Court of Bankruptcy to the county court, without any limit in point of amount. Under the former bill it was proposed that the county courts should have the right to take administrations in bankruptcy where the assets did not exceed 300*l*. It has, however, been represented to me that it is difficult to say whether the assets do or do not exceed 300*l*, and I propose that all petitions for removing bankruptcy shall be presented in the first instance to the Court of Bankruptcy, except in those limited cases where the debts of the trader do not exceed 300*l*. The facility of applying to the county courts has led to many endeavours on the part of fraudulent traders to escape from justice, and I have therefore thought it right that all petitions for adjudications of bankruptcy, except in those smaller cases where the debts do not exceed 300*l*, shall be presented in the first instance to the Court of Bankruptcy or the district court. These are the material changes in the structure of the bill, and these are all the differences that exist on this part of the subject between the bill of last session and the present. I now come to the procedure in cases of bankruptcy. I have thought it most desirable to secure the creditor of an insolvent the opportunity of determining whether he will enter the Court of Bankruptcy or not. The great fault of the present system is, that the creditor cannot get the benefit of the provisions of the Court of Bankruptcy without entering the walls of the court. There is also the further evil, that once within the walls he cannot escape until he has paid the uttermost farthing. He must remain there until the whole of the estate has been ground down, collected, and administered. But I think it right that, with the consent of a certain portion of the creditors, a man who is an honest trader, or who not being a trader is an honest debtor, shall have the opportunity of surrendering his property, and having it duly administered, without incurring the opprobrium and stigma of bankruptcy. It is necessary to deal with this part of the case with very great caution, because, if you give to the trader any protection during a certain period of time while he has solicited, or has represented that he has solicited, the consent of his creditors, you have suspended during that period the right of the creditors, and unless care be taken, the opportunity may be converted into the means of defrauding the creditor by the debtor. I have endeavoured, as well as I could, to provide a remedy for this, and, while the creditor's rights are suspended, there will nevertheless be a provision in the bill enabling the debtor's estate to be administered under a private deed, without the necessity of an adjudication of bankruptcy. I consider that a part of the utility of the measure will depend

on the possibility of working this portion with convenience and success; and though, no doubt, it may on many occasions be desirable that, while the rights of the creditors are protected, the estate should be wound up without the debtor being subject to the opprobrium of passing through the Bankruptcy Court, yet I provide in the bill that the creditor or debtor may at any time pass over the boundary, and go into the Court of Bankruptcy, in order to meet any emergency or necessity, or to have a determination on any question which may arise in the administration of the estate under the trust. But supposing a petition presented for adjudication, and that the debtor is adjudicated a bankrupt, the next form of procedure by the bill is, that there should be an immediate meeting of the creditors, at which meeting it should be decided whether the administration of the estate should continue in the court by which the adjudication had been pronounced, or be transferred to any other court, as, for example, the county court. At the same time, the creditors would have the opportunity of receiving any proposal of the debtor, and of determining whether the estate should go on in bankruptcy, or be wound up by private deed. Therefore, at the very first meeting—and there would be power to call any future meeting for the same purpose—an opportunity would be afforded to the creditors of deciding which was the best mode of administering the estate. Then, with regard to the proofs of debts—a proceeding at present attended with much unnecessary expense—I have introduced, in conformity with general recommendation, a most simple mode of procedure. A written declaration, containing a statement of account, signed by the party, is, when unopposed, to be taken as proved, a penalty being attached for any false statement. Another point to which I wish to call attention is the position in which the creditors' assignees and the official assignees will be placed by the bill. All acquainted with this subject know that official assignees were introduced in 1831, in consequence of the great evils which were felt, chiefly from what I have denominated the indifference and carelessness of the creditors. The official assignee was invested with the right to receive the whole estate, and the consequence was that creditors found themselves, in their own opinion, entirely excluded from their proper position with respect to control over the administration. There has therefore been a general cry to be emancipated from the official assignees, as great as there had been previously for relief from the maladministration and neglect incidental to the former system. I have endeavoured to provide a mode of proceeding which should be something between the two propositions. I hope the House will agree with me in thinking that it is proper to leave to the creditors' assignees the right of receiving, applying, and administering the estate; but that it is most essential that there should be an efficient auditor, active inspector, and vigilant superintendent over the creditors' assignees—able to ascertain, and who would have an interest in ascertaining, that the property was received by them and taken into hand for the benefit of the creditors. I propose, therefore, by the bill, that as soon as the creditors' assignees should be appointed, the functions and duties of the official assignees should cease with respect to the collection and distribution of the property, save in one particular. I have found by an examination of the returns that small debts—debts not exceeding 10*l*.—due to bankrupts' estates, are collected by the machinery in the power of the court, with infinite economy, and therefore I propose to continue to the official assignees the power of collecting debts not exceeding 10*l*. With regard to the rest of their duties, I make it incumbent on them to require accounts from the creditors' assignees, to audit them, and send copies to the creditors. The creditors' assignee will also have to return quarterly accounts of the estate, and those quarterly balance-sheets will be audited with the aid of the official assignee. The next question is that of the discharge to be granted to the bankrupt; and here the bill which I am now seeking to introduce will be found to differ materially from the measure of last session. It has appeared to me, upon much consideration of the subject, that an obligation should be thrown upon the commissioners and upon the chief judge, whether there be any accusation by the creditors or not, of examining with care and attention the conduct of the bankrupt. Supposing, therefore, that there is no accusation by the creditors, or supposing the commissioner to whom the matter may be committed thinks it right that the conduct of the bankrupt should be

brought before the chief judge, the question of the discharge will, in the London district, be brought, in the first instance, before the chief judge for decision. I propose to arm the chief judge with two kinds of authority. In the first place, I give him authority to examine the conduct of the bankrupt in all cases of misconduct not included in the list of offences which the law treats as misdemeanours. The House is probably aware that, according to the existing law, the conduct of the bankrupt may be the subject of examination by the commissioners, and that the certificate to be given to the bankrupt varies according to the opinion so formed of his conduct. There are three kinds of certificate—those of the first, those of the second, and those of the third class. The first class is a declaration that the insolvency of the bankrupt is attributable entirely to unavoidable misfortune; the second class states that it is attributable not entirely to unavoidable misfortune; while a certificate of the third class sets forth that it is attributable wholly to causes other than misfortune or accident. I am told, however, that practically the distinction between the different classes of certificates is almost wholly disregarded; that it is of little more use than if the certificates were written on so many pieces of white, or red, or pink paper. Hence I have thought it better to persevere in the proposition which I made last year, that these certificates should be wholly abolished. I do so with the more confidence now, because I believe it is necessary that something more stringent, something more definite, something the effect of which may be more severely felt, should be placed in the hands of the judge than the mere power of giving a certain description of certificate. I have, therefore, described a number of instances of misconduct which are not characterised as misdemeanours, but which are treated as grave offences, warranting the judge in refusing or suspending the order of discharge, or in committing the bankrupt to prison for any period of time not exceeding one year. Among the offences so enumerated is one which I should have been very glad to make a criminal offence if I could have found the means of defining it with that amount of accuracy with which every criminal offence ought to be defined. I mean the acquiring of fictitious capital, the trading with false capital, principally produced by the excessive use and unjust application of accommodation bills. That, in point of fact, is nothing more than a mode of obtaining the means of trading by fraudulent pretences, and ought in the excess to be punished as fraud. But the difficulty is in making criminal that which is so only in the excess, because the excess is incapable of being defined in words, although no man can hesitate about recognising it when it comes before him in actual business. It is impossible to assert that being a party to an accommodation bill shall, of itself, be an offence; yet no man of any information on the subject can hesitate to say that such a system of trading by accommodation bills as that which has been exhibited in the public journals, in connexion with a recent case of bankruptcy, amounts to one of the worst description of offences. I have not hesitated, therefore, to give the chief judge, who will be a judge of the highest rank, the power of inflicting a sentence of imprisonment for twelve months in those cases of delinquency which are not included in the list of offences amenable to the criminal law. I do so with less hesitation, because the existing law gives the power to a creditor, if he pleases, of inflicting a greater amount of imprisonment. The law as it at present stands is characterised, probably, by as much inhumanity, and at the same time inefficiency and impolicy, as any law that could be devised. If the commissioner suspends a certificate, or refuses it for any limited time, during that period any creditor may apply to the commissioner for a certificate of his debt, and upon that certificate he has a right to commit the bankrupt to prison. Then, at the end of the imprisonment, which is an imprisonment for a limited period, any other creditor may proceed against the bankrupt in the same way, and subject him to a similar incarceration. I think that, if the delinquency of the bankrupt is such that it is just to expose him to the penalty of imprisonment, that penalty ought not to be left at the caprice of any creditor who might be prompted by malice or a vindictive feeling; while, on the other hand, I am equally of opinion that it is not fair that the creditors should be made the agents and instruments of inflicting a criminal sentence. Such a sentence, to have any effect in the way of deterring from similar crimes, ought to come from a judge of the highest dignity. I, therefore,

propose to take away the power of imprisonment now given to the creditors, and, in cases where the judge shall be of opinion that the order of discharge ought to be refused or suspended, to give him the power of inflicting the amount of imprisonment I have mentioned. I have also thought it right that the same judge—viz. the chief judge—should be armed with authority to try the bankrupt for any offence of which he may be accused, because in handing the bankrupt over from the Court of Bankruptcy to a criminal tribunal there is not only very considerable difficulty in causing proofs of the offence to accompany the accusation, so as to enable them to be brought forward in the manner required by any ordinary criminal court, but there is great injustice in subjecting the estate to all the expense and delay incident to that description of prosecution. I have thought it right, therefore, as we propose to place at the head of the Court of Bankruptcy a judge of the highest rank and character, the equal of any of the judges of Westminster-hall, that such judge should have the power of administering this part of the criminal jurisdiction. The bill provides that, if the bankrupt desires to be tried by a jury, he shall be tried by a jury in the ordinary manner; but that if he does not desire to be so tried, then the judge is to examine his conduct; the commissioner who has had the immediate prosecution of the matter sitting as the assessor of the chief judge. The final sentence is to proceed from the court so constituted, no appeal being allowed to any other tribunal. From the decisions of the commissioners in the country, and county court judges, an appeal to the chief judge appears to be desirable, but from the sentence of the chief judge in this matter I think it right that there should be no appeal. I think these provisions are not more stringent than the absolute necessity of the case requires. I hold that justice should be administered in a manner in which humanity and consideration may be united with necessary severity, and so as to operate more efficiently than the present system. I have mentioned to the House the procedure applicable entirely to the case of traders. It was part of the proposition of last year, that the non-trader also should be brought within the area of the same tribunal. That was a proposition which, I believe, as far as general discussion has gone, has received the approval of, I may say, nearly all who have attended to the subject. The true policy of the bankrupt law is, I believe, that every species of encouragement should be given to a debtor, the moment he finds himself in a state of insolvency, to do that which justice requires, namely, to divide his estate equally among his creditors; but I must beg you also to observe that, with the exception of the trader, in the case of the non-trader the whole tendency of your law as at present established is to produce the very opposite result. You admit of execution against the person of the debtor; you admit the debtor being consigned to prison on that execution—for what purpose? You cannot for one moment say that he is sent to prison for punishment. You have not been administering the criminal law at all. He is sent to prison at the pleasure of a creditor. Well, the creditor has become his creditor by his own voluntary act. To every debt, in that sense of the word, there are two parties—the man who contracts it, and the man who permits it to be contracted. The creditor, of his own accord, willingly gives credit—to what had he the right of trusting at the time he gave it? He trusted, of course, to the solvency and means of the individual. In the very nature of the contract, it is impossible to suppose that the power of consigning the debtor to prison ought to be regarded as one of the natural rights of the creditor. Consigning the debtor to prison cannot be justified on any other consideration than this, that it is a means of compelling the debtor to give up his property for payment of his debts. But if you can accomplish the same thing without imprisonment, the imprisonment would be without reason to justify it. The imprisonment of the debtor is undoubtedly the means of rendering the debtor useless to himself and a burthen to the community. To the creditor it produces no good; to the state at large it is an unmitigated evil. The debtor is demoralised; he is in a state of idleness and depravity frequently while in gaol; he comes out of gaol a worse man than he entered it. The whole process, therefore, is neither more nor less than a process of unmitigated evil, unless you say it is effectual as a preventive to men going into debt. But I say you are not justified in imposing any such law with a view to prevent that consequence

when men only get into debt with the consent of their creditors; and if the creditor consent, the act of the creditor entitles him to nothing more than the aid of the law, in the most expeditious manner, to get at the property of the debtor, and divide that property among his creditors. But here, again, you give every temptation to fraudulent preferences; you stimulate the debtor to do that which in bankruptcy the judge would stigmatize with the imputation of fraud. I cannot illustrate more forcibly the opinions that have prevailed on this subject, and dictated by good policy as well as humanity and justice, than by taking the liberty of reading one or two passages from the reports of various commissioners who have considered the subject. In the report of the Common-law Commissioners in 1832 the result of the law is thus accurately described—"The practical effect of the law of arrest on final process, combined with the insolvent law, is the imprisonment of numbers, merely to be discharged without opposition at the end of a few weeks. The consequence is misery, waste of funds, and multiplied frauds and perjuries. While no benefit arises to the creditor, the arrest, imprisonment, and expense are ruinous to the debtor. In short, the ordinary consequence is disappointment and loss to the creditor, destruction to the debtor." I say this is a correct view of the case; statistical returns prove it in the strongest way by the number who are committed to prison, the short time they remain there, and then are discharged; not one estate in 250 profiting thereby. You are bound, by the principle of your law of debtor and creditor, to give the creditor the most available remedy; but it so happens that the most available remedies to the creditor are those which are most consistent with humanity and justice to the debtor, and the general benefit to the State at large. You tell the insolvent debtor that he shall be released and discharged on surrendering his property—why do you make it a necessary condition that he shall go to prison before he surrenders his property? You have felt the injustice, and have modified the operation, of these laws by various acts, which have had in them, perhaps, more humanity than consistency, and which were not quite impartial. You will recollect the act of Parliament that was passed for an object I will not stop to explain, and which is commonly denominated the "Gentleman's Act." That is an act by which, in reality, the insolvent may get the benefit of bankruptcy without going to prison. The Legislature, in passing it, at the same time condemned the general system, because it has by that and other protection acts in effect declared that if a man will communicate with his creditors, and get the assent of a certain number, and surrender his property, his person shall be free from arrest. Now, all I desire, for the benefit of non-traders, is this, that the law should give them an opportunity of at once surrendering their property, and, upon that surrender and free discovery, that they shall be protected from arrest. This is the first thing, therefore, that is proposed, and for the benefit, I trust, of the non-traders. I will venture to add one or two more extracts from the report I before referred to, in order to vindicate the proposition I have laid down. In another part of the same report I find this statement:—"Thousands are every year imprisoned and discharged, not only at great pecuniary cost, but at a moral expense infinitely more detrimental to the interests of society." Another report was made in the year 1840 by the commissioners appointed to consider the bankruptcy and insolvency laws. The report is signed by Mr. Justice Erskine, previously chief judge of the court of review, Mr. Evans, Mr. Fonblanque, and Mr. Holroyd, commissioners of the court of insolvency, and Mr. William Crawford, Mr. Wynn Ellis, Mr. Benjamin Hawes, junior, Mr. G. C. Glyn, and Mr. John Horsley Palmer—a combination of authorities of the highest character. There are two passages I would read. "It appears to us," the commissioners say, "that to unite the jurisdiction in matters of bankruptcy and insolvency would, upon principle, tend much to benefit the public; but this benefit cannot, we think, be obtained without placing all insolvent estates under the administration of one uniform system of law. We can perceive no good reason why the estate of one debtor (a trader), who is unable to pay his debts in full, should be administered in a different manner from that of another debtor, not a trader, under the same disability." I cannot but think, therefore, that you must arrive at the conclusion that the greatest injustice is, under the present

system, done to the non-trader, and the greatest injury inflicted upon the creditor; because, as matters now stand, the former is led to submit to considerable sacrifices from time to time, frequently even to commit fraudulent acts, in order to evade the penalty of imprisonment; so that, instead of deeming it to be his interest to make an honest surrender of his property to his creditors, every species of inducement is held out to him to do that which under a just and politic administration of the law of debtor and creditor might not occur. That hundreds and thousands of debtors should be imprisoned only, as it would seem, to keep up a costly tribunal for the purpose of their discharge from confinement would appear to be the very extreme of folly. If then, the case be as I state, it becomes the interest of all parties to place the law of insolvency upon the same footing as that of bankruptcy. It has, however, been made manifest to me since last year that some degree of odium attaches to the word "bankruptcy" in general acceptance, and that that circumstance would be likely considerably to detract from the beneficial results which I anticipated from the changes in the law which I then proposed. I have, therefore, been desirous of embodying in the present bill words which should be certain and unmistakable, as defining the tests of insolvency as applied to non-traders; so that the law of bankruptcy might be brought into operation in such cases upon the most distinct evidence of general inability to meet one's just claims. Now, I think the House will agree with me in the opinion that one of the greatest subjects of reproach in connexion with cases of this description with which we have to deal is that which results from the habit which exists among men who happen to be involved in debt of withdrawing their property from this country, and seeking a residence in some part of the continent, where they may enjoy it, thus defrauding their creditors of that which ought to be distributed among them. We are all perfectly well aware that there are abroad certain localities which are well known as being the places of refuge of English debtors; and that being so, I have made the first test of insolvency in the present bill the absconding from the country with the deliberate intent of evading one's just creditors, and the remaining abroad with the same object. But now comes the question, which shall be the overt act which shall meet with general acceptance as evidence of the *malus animus* to defraud? In dealing with that question, in which you have to collect from the acts of the debtor the proofs of the animus by which his absence from the country is influenced, I have been desirous to render it necessary that a certain process should be gone through. I should require a petition against him to be served at the last place of abode of the debtor, as under the existing system the courts of chancery and common law are empowered to demand in the case of a bankrupt, so that it would be impossible for any man to be declared an insolvent upon the ground of fraudulent absence from the kingdom without having a fair opportunity of shewing what is about to be done with respect to him, of entering an appearance against the petition, and of proving that he in reality was animated by no fraudulent intention in taking up his residence abroad. The next test of bankruptcy which I would make applicable to the non-trader is the fact of a creditor having obtained a judgment against him in accordance with the ordinary process of law or equity, and being unable to find him to enforce that judgment, and I propose that under those circumstances an opportunity should be afforded him of appearing to answer the demand, and of giving either satisfactory security to the creditor, or proving that he was not liable to be called upon to liquidate the claim made upon him. If that be not done you will, I think, agree with me that a criterion of general insolvency is furnished, which makes it the duty of the debtor to deliver up his property for the payment of his liabilities, and which renders it incumbent upon the framers of the law to enforce that surrender. Another test of insolvency is the fact that the debtor, being a non-trader, has been arrested on final process, and is placed in prison. Every honourable member at all acquainted with this subject must be aware that it has not been unusual for persons so situated to prefer to remain in gaol, and enjoy their property there, to giving up that property to be distributed among their creditors. The most absurd part of the English law with respect to this particular point is this—that it seems to assume that when you have got the body of your debtor you have obtained satisfaction of your debt, thus reminding one of the doctrine, attrib-

ted to the Roman law, of sanctioning the division piecemeal of a debtor among his creditors. The test of insolvency which I have last mentioned may be made the occasion of a petition for adjudication of bankruptcy being presented against a non-trader, and the result would be that his estate would be administered on the same principle as that of a trader. Touching upon this part of the question, we are naturally led to ask the very important question, whether in altering the law of bankruptcy we ought to import into the amended system that principle of the law of insolvency which makes the future estate of the debtor liable for his debts, or whether it would not be more advisable to extend to the non-trader the benefits of that humane principle of the bankruptcy law which gives the debtor an unqualified and general discharge for the future, upon his giving up the entire property in his possession to satisfy the claims which exist against him. For my own part, I confess that I do not think a man, if he chooses to give credit, is entitled, morally, or upon grounds of good policy, to anything more than an equitable distribution of all the means in the possession of his debtor at the time when he gives him credit. It is not, it seems to me, a just or a politic course to take so to legislate as to induce a creditor to speculate on the future prospects of the person whom he trusts. We know that in equity all bargains with expectant heirs, upon the security of their expectations, and all contracts relating to future acquisitions of property, are regarded as unjust; and I feel therefore confident that the House will be of opinion that a debtor, having once honestly delivered up to his creditors all the property which he possesses, ought not to be liable to be pursued by them through life, and to be called upon to surrender that which he may afterwards secure to satisfy their claims. That is a principle on which the House will have to decide. I have the greatest possible confidence in a general committee of this House. I know of no more searching tribunal for the examination of such a question; and this, as well as all the main provisions of this bill, I shall submit unreservedly to discussion in committee, accepting altogether that which its wisdom and sense of justice may approve. I must, however, tell you that in that part of the measure which deals with the orders of discharge of bankrupts, whether traders or non-traders, I have given to the chief judge, in case of any delinquency, the power of annexing to such orders of discharge conditions affecting future-acquired property. It will be for you to determine the prudence and propriety of that course; but the bill proposes, as a penalty upon the bankrupt trader or non-trader, that in cases coming within just censure, such censure shall involve the liability of future-acquired property. Now, it may be asked whether this bill goes the length of totally abolishing imprisonment for debt? My answer to that is, that I regret it does not. I have hesitated on this point from a fear that if I had pledged myself to such a proposition I might not have found it accepted by this House. But I will tell you what I have done, and which in reality will, I trust, arrive at the same result, although it is not the same thing in name; neither is that boldly avowed which reason, justice, and policy appear to me to demand. The course adopted by the bill is this: in the first place, every pauper debtor who, on account of his poverty, cannot petition for an adjudication of bankruptcy against himself, has the power of presenting a petition to a county court, and of presenting it at the expense of a fund provided under the 33 Geo. 3, for promoting the discharge of pauper debtors. That is one of the modes by which I hope to relieve the goals of some of their present occupants. But another mode is this: the gaoler, by a provision of the bill, is required to make out, on the first day of every month, a return of all prisoners in his custody for pure debt, or rather simply on account of debt, and to forward this return to the chief judge in the London district, or to the commissioner in any country district of bankruptcy. On the receipt of that return notice is to be sent by the clerk to the execution creditor and the detaining creditor of every such person; and on the expiration of ten, or not more than twenty days from the date of the return, a registrar will examine every prisoner, whether there be a petition or not. The registrar will have power to make an adjudication; that is, to make an order vesting the estate of the prisoner in the official assignee, and, if he thinks fit, to grant the prisoner an order of protection; that is, a qualified discharge. When that machinery is in operation, I believe it will be impossible for any man to remain in prison, simply

on the ground of debt, for a longer period than from fourteen to twenty days. And, if that be so, I think it will follow that no creditor would be willing to commit his debtor to prison; for he pays a considerable sum for that privilege or source of enjoyment, if it be such, and he would hardly avail himself of it when his debtor would be released from prison in the manner I have described. The House will recollect that prisoners for debt in this country are now divided into two classes. One of these classes, and by far the most numerous, are those who are imprisoned by the orders of the county court judges: for there is a species of imprisonment which must be called penal, not being for pure debt, inflicted by the sentence of a county court judge, or of a commissioner of bankruptcy, in cases of small debts, which are found to have been contracted either under circumstances of fraud, when the debtor had no probable means or expectation of being able to pay, or under some other species of falsehood or delinquency. Now, of course, it would be very wrong to interfere with that description of criminal imprisonment, and therefore I do not propose that the registrar who attends for this gaol delivery of debtors should have any power to release persons so committed to custody. But for pure debt, for debt unaccompanied by these circumstances of fraud or reproach, no man will be permitted to remain in prison, but, whether he will or no, will be discharged, and his property, if he has any, taken from him, and made available for the benefit of his creditors at large. These, then, are the principal provisions, some of which were included in the former bill. I have only to add that, connected with the additions made to the former measure, there is this important circumstance: I have mentioned my great desire to facilitate the process by which debtors, without incurring the reproach of bankruptcy, should be enabled to surrender their property for division among their creditors. But it repeatedly happens that the debtor cannot accomplish this, because he is unable to ascertain who are his creditors at the time, so as to obtain the assent of the required majority for a composition or arrangement. Every trader is probably liable upon promissory notes or bills of exchange which are circulating about, it may be in foreign parts, and the holders of which cannot be discovered in a short period of time. I have, therefore, introduced this provision, that if the debtor obtains the required majority of those creditors who can be ascertained, and is willing to make the trust deed or deed of assignment run in a very simple form, it shall be as effectual and complete a discharge and protection to him as if he had gained the assent of all his creditors. The simple form in which the deed shall run is to this effect, that he conveys all his estate and effects to certain trustees, to be by them collected, applied, and administered exactly as if he had been regularly adjudged a bankrupt. With regard also to deeds of arrangement after bankruptcy, I have incorporated some provisions from the Scotch system, in order to facilitate a change from the process in bankruptcy to proceedings by private arrangement. Such is the measure which I submit to this House for its approval. It must be recollected that we have at present a most artificial system. It is impossible, as I have already said, to sweep that system entirely away, and substitute for it a perfectly new one. All we pretend to do is to remedy its worst defects, to remove its undoubted grievances, and provide the means whereby, without incurring the expense of all its present formal modes of proceeding, the creditors may easiest obtain the property of the debtor for the satisfaction of their just claims. If these provisions work well and satisfactorily, I venture to anticipate that the charges of bankruptcy, where bankruptcy exists, will be diminished by one-half; but I hope that bankruptcy will seldom be resorted to, and that only in case of absolute fraud and delinquency. I hope that the mode of administering debtors' estates by private arrangement, incorporating as it does all the principles and appliances of the law of bankruptcy, will be the general rule, and the formal process of bankruptcy the exception. You cannot have a better illustration of the present unfortunate state of the law than is presented by the contrast between the number of cases of bankruptcy and the cases of composition. It proves to you this great truth, that whenever year law is not in harmony with the exigencies of society, it has the effect of driving the people out of their courts of justice into the by-ways which are still open to them, in order to secure these advantages which they ought to be able to

obtain in a more legitimate manner. The cases of composition amount to between 8000 and 10,000 a year; while the bankruptcies and arrangements under the control of the courts seldom exceed 1000 or 1100. This only shews the great preference among creditors for private arrangements, even although, under the present state of the law, the trustee in such a case cannot have the expeditious remedy which this bill will afford, and although the only mode of securing the due performance of the trust is by a resort, on the part of the creditors, to the Court of Chancery against the trustee. In spite of these disadvantages, creditors have preferred to incur all the inconveniences of deeds of private arrangement. Not that the law of bankruptcy itself is wrong, but that there are impediments to its proper administration. I have thought it right to address myself to aid that which appears to be the general impression among the commercial community, and which in the abstract nature of things must be most desirable; for if a debtor comes and surrenders his property, and is willing to account, what do you want with a bankruptcy court? It is quite sufficient that there should be a facile remedy to compel the administration and performance of a trust when it is once created. Upon that ground, therefore, I trust that that portion of the bill which applies the law of bankruptcy to deeds of trust and composition, and admits of the parties to them being placed in the same relative position, and subject to the same jurisdiction, as if there had been actual bankruptcy, as if the trustees were assignees, and as if the creditors claiming under the deed had proved in bankruptcy—I say, I trust and believe that portion of the bill would be found most useful and efficient. It is upon that portion of the bill that, as a question of finance, I hope to meet with the approval of the House. At present the House is aware that the Court of Bankruptcy is in constitution self-supporting. I do not propose to interfere with that principle, except in two particulars—one with respect to the salary of the chief judge, which I propose shall, like the salaries of other judges employed in the administration of public justice, be paid out of the public revenue; and the other is the unfortunate portion upon which the former bill in a great measure suffered shipwreck. In the former bill I proposed, in conformity with the recommendation of the commissioners, and in conformity with repeated suggestions of former commissions, that the compensations granted in 1831 to officers who were then discharged from their duties, and which compensations were charged upon the bankruptcy fund—most unjustly, as I think, because it made future generations of creditors pay for the faults of the law, and the improper mode of its administration previously existing—I proposed that those compensations should be thrown upon the Consolidated Fund. The House did not agree to that proposition, but did, I think, agree that the compensation should be defrayed by annual votes of Parliament. I hope gentlemen who listen to me will understand that my bill creates no compensation at all; I am only dealing with compensations given nearly thirty years since, and I am only acting in accordance with common justice, in order that we may accomplish that result, without which all reforms are idle—namely, the introduction into the administration of the law of bankruptcy of the principles of economy and cheapness which are absolutely necessary; for if you tax creditors to the extent of 33 per cent., as at present, you compel them to resort to other remedies, rather than seek a court of justice for relief.

The Lord Chancellor has introduced into the House of Lords a bill for clearing the statute-book of a mass of useless matter, as a preliminary stage in the grand work of the consolidation of the statute law.

Lord Chelmsford has re-introduced his bill of last session relative to indictable offences within the metropolitan district.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—John Waddington Mann, of York, in and for the city of York, and Ainsty of the same city; George Moore, of Warwick, in and for the county of Warwick;

Richard Stubbs, of Bristol, in and for the city of Bristol, and county of the same city, also in and for the counties of Somerset and Gloucester; and Robert Edmund Mellersh, of Godalming, Surrey, in and for the county of Surrey, also in and for the county of Sussex.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed Henry Druit Phillips, Gent., of 11, Abchurch-lane, City, to be a London Commissioner to administer oaths in the High Court of Chancery.

Wood, Middlesex, builder.—*Thomas Williams*, Newport, Monmouthshire, printer.—*Thomas Rees*, Swansea, Glamorganshire, ironmonger.—*John Moorhouse Andreu*, Dewsbury, Yorkshire, innkeeper.

#### PARTNERSHIPS DISSOLVED.

*Edward Brydges Hardisty* and *Arthur Goodrich*, Great Marlborough-street, Middlesex, attorneys-at-law and solicitors (under the firm of Hardisty & Goodrich).—*Herbert Lloyd* and *William Charles Rule*, Milk-street, City, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Mrs. Marjory Lessels* or *M' Culloch*, Kirkcaldy, grocer.—*John R. Weir*, Glasgow, bootmaker.—*Archibald James Somerville*, Bothwell and Glasgow, builder.—*Peter Macpherson & Son*, Edinburgh, agricultural implement makers.—*Allan M'Donald*, Glasgow, wine merchant.—*Alexander William Crichton*, Glasgow, writer.—*William Horn*, Glasgow, flesher.—*William Henry Stephens*, Dunoon, Argyllshire, newspaper proprietor.—*Stewart, Noble, & Co.*, Glasgow, warehousemen.—*Donald Campbell*, Edinburgh, provision merchant.

TUESDAY, Feb. 12.

#### BANKRUPTS.

FREDERICK COGMAN, Norwich, tailor, Feb. 22 at half-past 11, and March 22 at 12, London: Off. Ass. Cannan; Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury, London.—Pet. f. Feb. 8.

HENRY BATEMAN, Old Broad-street, City, timber merchant, and Lloyd's, underwriter, Feb. 28 at 12, and April 5 at 11, London: Off. Ass. Cannan; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Pet. f. Feb. 12.

GEORGE PINKERTON and ERNEST HAWKINS, Great St. Helens, City, metal brokers (trading under the style or firm of Pinkerton & Co.), Feb. 26 and March 28 at 12, London: Off. Ass. Stansfeld; Sols. H. & F. Chester, Church-row, Newington Butts.—Pet. f. Feb. 1.

COMPTON PRESCOTT, Yarnton, Oxfordshire, corn dealer, Feb. 26 at 3, and March 26 at 1, London: Off. Ass. Edwards; Sols. Dayman & Walsh, Oxford; Pownall & Co., Staple-inn, London.—Pet. f. Feb. 1.

HENRY OWEN and GEORGE UGLOW, Wood-street, City, and Tewkesbury, Gloucestershire, hosiers, Feb. 26 at half-past 2, and March 26 at 12, London: Off. Ass. Lee; Sol. Jones, 5, New-inn, London.—Pet. f. Feb. 9.

JOHN GENDERS, Darlaston, Staffordshire, boot maker, March 1 and 22 at 11, Birmingham: Off. Ass. Whitmore; Sols. Slater, Darlaston; Hodgson & Allen, Birmingham.—Pet. d. Feb. 8.

HERBERT DUTTON and EDMUND DUTTON, Kidderminster, Worcestershire, builders (trading under the style or firm of Dutton & Son), Feb. 25 and March 25 at 11, Birmingham: Off. Ass. Kinnear; Sols. Batham, Kidderminster; Hodgson & Allen, Birmingham.—Pet. d. Feb. 8.

CHARLES RICHARD SKINNER, Worcester, tanner, Feb. 25 and March 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Duignan & Ebsworth, Walsall.—Pet. d. Feb. 6.

JOHN CHAPMAN and GEORGE GRANGER, Oldbury, Worcestershire, ironmasters, March 1 and 22 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hayes, Wolverhampton; James & Knight, Birmingham.—Pet. d. Feb. 11.

**WILLIAM ROSE**, Birmingham, ropemaker, Feb. 25 and March 25 at 11, Birmingham: Off. Ass. Kinnear; Sols. Harrison & Wood, Birmingham.—Pet. d. Feb. 11.

**WALTER GREEN** and **JOHN GRIFFITHS BEAVAN SAYCE**, Worcester (under the firm of Green & Sayce), Malvern, Worcestershire (under the firm of Walter Green & Co.), and Llandudno, Caernarvonshire (under the firm of George Bevan & Co.), wine and spirit merchants, Feb. 25 and March 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Watkins, Worcester; Wright, Birmingham.—Pet. d. Feb. 11.

**ANDREW ARMSTRONG**, York, flour dealer, March 4 and 25 at 11, Leeds: Off. Ass. Hope; Sols. Anderson, York; Bond & Barwick, Leeds.—Pet. d. Feb. 11.

**ENOCH HALEY**, **WILLIAM HARGREAVES**, **JOSEPH OWEN**, and **JAMES PERKIN**, Bradford, Yorkshire, wrought iron manufacturers, (trading under the style or firm of Hargreaves, Haley, & Co.), Feb. 28 and March 22 at 11, Leeds: Off. Ass. Young; Sols. Wood, Bradford; Caris & Cadworth, Leeds.—Pet. d. and f. Feb. 5.

**WILLIAM KILNER**, High Green, Ecclesfield, Yorkshire, licensed victualler, Feb. 23 and March 23 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdekin, Sheffield.—Pet. d. and f. Jan. 26.

**DANIEL JONES**, Wrexham, Denbighshire, ironmonger, Feb. 27 and March 19 at 11, Liverpool: Off. Ass. Bird; Sols. Buckton, Wrexham; Evans & Co., Liverpool.—Pet. f. Feb. 7.

**EDWARD FLOWER**, Liverpool, silversmith, Feb. 25 at 11, and March 19 at 12, Liverpool: Off. Ass. Morgan; Sols. Dodge & Wynne, Liverpool; Crosby, Ironmonger-lane, and 3, Church-court, Old Jewry, London.—Pet. f. Feb. 8.

**JOHN COWELL** and **JAMES COWELL**, Blackburn, Lancashire, ironfounders, (carrying on business with John Riley, under the style or firm of Cowell, Riley, & Cowell), Feb. 23 and March 21 at 12, Manchester: Off. Ass. Pott; Sol. Pankhurst, Manchester.—Pet. f. Feb. 6.

## MEETINGS.

*Charles West*, Brasted, Kent, baker, March 2 at 12, London, and ac.—*Edwin H. Spark*, Heathcote-street, Gray's-inn-road, Middlesex, jeweller, Feb. 26 at 11, London, and ac.—*James M. Abbott*, Hanwell, Middlesex, carpenter, Feb. 25 at 11, London, and ac.—*Wm. H. Rowe*, Gloucester-place, Gloucester-crescent, Regent's-park, Middlesex, builder, Feb. 23 at 11, London, and ac.—*Henry Foulkes*, John-street, Union-street, Kennington-road, Surrey, cab proprietor, Feb. 23 at 12, London, and ac.—*William Boyce*, East Dereham, Norfolk, printer, Feb. 23 at 12, London, and ac.—*Robert W. Sheppard*, Charlbury, near Woodstock, Oxfordshire, coal merchant, Feb. 23 at 12, London, and ac.—*David Baaset*, Uxbridge, Middlesex, corn merchant, Feb. 23 at 11, London, and ac.—*Elizabeth Lynn Moore*, widow, and *Joseph Lynn Moore*, Dorking, Surrey, carpenters, Feb. 23 at 11, London, and ac.—*John Hawkes*, Hornsey-rise, Hornsey-road, Middlesex, builder, Feb. 25 at 11, London, and ac.; March 8 at 12, div.—*Thos. Mayo*, Chesham, Buckinghamshire, wooden ware manufacturer, Feb. 25 at 11, London, and ac.—*Wm. Smith*, Eastbourne-mews, Westbourne-terrace, Paddington, Middlesex, horse dealer, Feb. 25 at 11, London, and ac.—*James Colls*, Thrapston and Denford, Northamptonshire, coal merchant, Feb. 25 at 12, London, and ac.—*William Read*, Dorset-street, Portman-square, Middlesex, builder, Feb. 25 at 12, London, and ac.—*Henry Martin*, Hanover-buildings, Southampton, tailor, Feb. 25 at 12, London, and ac.—*Lewis Philip Sutton*, Aberavon, Glamorganshire, wine dealer, Feb. 21 at 11, Bristol, and ac.—*Paul Whitworth*, Stalybridge, Cheshire, flour dealer, March 7 at 12, Manchester, and ac.; March 14 at 12, div.—*Robert Brown*, Great Driffield, Yorkshire, brewer, March 20 at 12, Kingston-upon-Hull, and ac. and div.—*Wm. Harris* and *Wm. West*, Kingston-upon-Hull, drapers, March 20 at 12, Kingston-upon-Hull, and ac. and div.—*Charles England*, Barton-upon-Humber, Lincolnshire, carrier, March 20 at 12, Kingston-upon-Hull, and ac. and div.—*George Robinson*, Lincoln, hotel keeper, March 20 at 12, Kingston-upon-Hull, and ac. and div.—*E. Wason Freestone*, Clarke's-place, High-street, Islington, Middlesex, milliner, March 5 at 11, London, div.—*Edmund Francis Green*, Leadenhall-street, City, merchant, March 6 at 2, London, fin. div.—*Charles James Francis* and *Henry Freer*, Great St. Helens, City, wine merchants, March 6 at 11, London, div.—

*W. Tugwell Fennell*, Poole Valley, Brighton, Sussex, hatter, March 6 at 12, London, div.—*Edouard Lewis*, Coleman-st., City, lithographic printer, March 6 at half-past 11, London, div.—*Charles States*, Aldershot, Southampton, club-house keeper, March 6 at 1, London, div.—*James Broadbridge*, Arundel, Sussex, grocer, March 6 at half-past 12, London, div.—*Wm. North Rees*, Gracechurch-street and Clement's-lane, City, printer, March 5 at 2, London, div.—*C. Wilkes*, Bloxwich and Tipton, Staffordshire, miller, March 7 at 11, Birmingham, div.—*John Hollis Vane*, Stourport and Dudley, Worcestershire, tanner, March 14 at 11, Birmingham, div.—*Thomas Rees*, Swansea, Glamorganshire, ironmonger, March 14 at 11, Bristol, div.—*Samuel Smith Phillips*, Cardiff, Glamorganshire, bonded store keeper, March 14 at 11, Bristol, first and fin. div.—*G. Ritchie*, Newcastle-upon-Tyne, grocer, March 8 at 11, Newcastle-upon-Tyne, div.—*Edward Johnston* the younger and *Thomas Manley*, Whitehaven, Cumberland, sugar refiners, March 7 at 12, Newcastle-upon-Tyne, fin. div.—*James William Sumner*, Reigate, Surrey, builder, March 6 at 1, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward Wason Freestone*, Clarke's-place, High-street, Islington, Middlesex, milliner, March 5 at 11, London.—*D. Baaset*, Uxbridge, Middlesex, corn merchant, March 6 at 1, London.—*W. Tugwell Fennell*, Poole Valley, Brighton, Sussex, hatter, March 6 at half-past 1, London.—*Victor Pascal Billiet*, King-street, Cheapside, City, importer of French clocks, March 6 at 12, London.—*Cleeve Woodward Hooper* and *Henry Parkinson*, Seething-lane, City, leather factors, March 7 at 11, London.—*J. Gray* and *J. Robt. Henson*, Epsom, Surrey, upholsterers, March 8 at 11, London.—*Henry Pace*, Broad-street-buildings, City, merchant, March 8 at 12, London.—*Wm. Joyce Smith*, Newcastle-upon-Tyne, commission agent, March 7 at 12, Newcastle-upon-Tyne.—*George Ritchie*, Newcastle-upon-Tyne, grocer, March 8 at 12, Newcastle-upon-Tyne.—*Peter Weston Ayles*, Weymouth, Dorsetshire, builder, March 13 at 12, Exeter.—*George Bowditch*, Taunton, Somersetshire, nurseryman, March 13 at 12, Exeter.—*John Reynolds*, Burslem, Staffordshire, provision dealer, March 14 at 11, Birmingham.—*Joseph Crofts*, Walsall, Staffordshire, builder, March 14 at 11, Birmingham.—*Benjamin Richardson*, Wordaley, Staffordshire, glass manufacturer, March 14 at 11, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Philip Arnold* and *John Arnold*, Luton, Bedfordshire, straw-plait merchants.—*John Charles Partridge*, Langley-place, Commercial-road, Middlesex, shoe manufacturer.—*Robert Miller Bouch*, Liverpool, general warehouseman.—*Wm. Tweedie*, Liverpool, oilman.—*John Wood*, Birkenhead, Cheshire, licensed victualler.

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## GAZETTES.—FRIDAY, Feb. 15.

## BANKRUPTS.

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JAMES NICKOLL and ROBERT FRAZER NORTH, Bishopsgate-street Within, City, tallow brokers, (carrying on business under the style of Nickoll & North), Feb. 27 at 2, and March 27 at 1, London: Off. Ass. Graham; Sols. Freshfields & Newman, 5, Bank-buildings, London.—Pet. f. Feb. 2.

JOHN STEPHENSON BOUGHEY, Great Tower-street, City, wholesale tea dealer, Feb. 27 at half-past 12, and March 27 at half-past 1, London: Off. Ass. Stansfeld; Sol. Hyde, 33, Ely-place, Holborn.—Pet. f. Feb. 6.

WILLIAM HENRY WILLIAMS, Manor House, Plaistow, Essex, apothecary, Feb. 26 and March 26 at 1, London: Off. Ass. Graham; Sol. Chidley, 25, Old Jewry, London.—Pet. f. Feb. 14.

ARTHUR SMITH, Paragon-buildings, New Kent-road, Surrey, engineer, Feb. 27 and April 8 at 12, London: Off. Ass. Pennell; Sols. Peek & Downing, 10, Basinghall-street, London.—Pet. d. Feb. 11.

EDMUND JOHN NIEMANN, Newman-street, Oxford-street, Middlesex, picture dealer, Feb. 26 at half-past 2, and March 26 at 2, London: Off. Ass. Lee; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. Feb. 14.

ROBERT HORATIO WILLIAM DRUMMOND, Iceland Wharf, Old Ford, Bow, Middlesex, contractor, (trading under the style of Robert Drummond & Co.), Feb. 26 at 2, and March 26 at half-past 12, London: Off. Ass. Lee; Sol. Brutton, 27, Basinghall-street, London.—Pet. f. Feb. 14.

JOHN SIMPSON ROBERTS, Birmingham, gunmaker, March 1 and 22 at 11, Birmingham: Off. Ass. Kinnear; Sols. Bartlett & Son, Birmingham.—Pet. d. Dec. 31.

GEORGE BURROWS, Nottingham, lace manufacturer, Feb. 26 and March 21 at 11, Nottingham: Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. d. Feb. 11.

WILLIAM DANIEL, Pen-y-darren, near Merthyr Tydfil, Glamorganshire, innkeeper, Feb. 26 and March 26 at 11, Bristol: Off. Ass. Miller; Sols. Busor, Cardiff; Abbot & Co., Bristol.—Pet. f. Jan. 31.

JAMES FERGUSON, Stonehouse, Devonshire, draper, Feb. 25 and April 8 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Wood, Bristol; Elworthy & Co., Plymouth.—Pet. f. Feb. 4.

WILLIAM HOGG, Lapford, Devonshire, buyer and letter of machines for hire, Feb. 26 and April 11 at 12, Exeter: Off. Ass. Hirtzel; Sols. Tanner, Crediton; Turner & Hirtzel, Exeter.—Pet. f. Jan. 29.

BENJAMIN ROBINSON, Huddersfield, Yorkshire, cloth merchant, Feb. 26 and March 21 at 11, Leeds: Off. Ass. Young; Sols. Jessep, Huddersfield; Bond & Barwick, Leeds.—Pet. d. and f. Feb. 8.

ALEXANDER M'MILLAN and WILLIAM BLACKBURN, Star-court, Bread-street, Cheapside, City, woollen warehousemen, Feb. 26 and March 22 at 11, Leeds: Off. Ass. Young; Sol. Settle, Leeds.—Pet. d. Jan. 22; f. Jan. 23.

JOHN CARLYLE, Liverpool, woollendraper, Feb. 27 and March 19 at 12, Liverpool: Off. Ass. Morgan; Sols. Aspinall & Bird, Liverpool.—Pet. f. Feb. 5.

THOMAS HOWARTH and WILLIAM CRONSHAW, Warrington, Lancashire, calico manufacturers, March 1 and 21 at 12, Manchester: Off. Ass. Hernaman; Sols. Higson & Robinson, Manchester.—Pet. f. Feb. 7.

## MEETINGS.

John H. Aspinwall, Argyle-street, Middlesex, merchant, Feb. 26 at 12, London, cl. ass.—Benjamin Goodson the younger, Little Coggleshall, Essex, farmer, Feb. 27 at half-past 1, London, last ex.—Wm. Brent, Blue Anchor-road, and Wilbourn-terrace, Grange-road, Bermondsey, Southwark, tanner, Feb. 27 at 1, London, last ex.—James Broad, Drury-lane, Middlesex, coach ironmonger, Feb. 26 at 12, London,

last ex.—Robert Biles, South-place, Upper Grange-road, Bermondsey, Surrey, and Seething-lane, Great Tower-street, City, rope manufacturer, Feb. 26 at half-past 1, London, last ex.—Jesse Attwood, Newington, near Sittingbourne, Kent, licensed victualler, March 8 at 1, London, last ex.—Thomas Short, Park-street, Camden-town, Middlesex, tailor, March 1 at 11, London, aud. ac.—Edward Lewis, Coleman-street, City, lithographer, Feb. 26 at half-past 12, London, aud. ac.—Edward R. Daut and John Wilson, Old Broad-street, City, bill brokers, Feb. 26 at 11, London, aud. ac.—Robert B. Martin, Brighton, Sussex, surgeon, Feb. 26 at half-past 11, London, aud. ac.—John Cooper, Great Yarmouth, Norfolk, bookseller, Feb. 26 at half-past 11, London, aud. ac.; March 8 at 2, div.—Charles Barrow the younger, Coleman-street, City, wine merchant, Feb. 26 at half-past 11, London, aud. ac.; March 8 at 1, div.—Daniel Green, High-street, Vauxhall, Surrey, and Crayford, Kent, potter, Feb. 26 at 2, London, aud. ac.—Edwin Taylor, Wimborne, Dorsetshire, butcher, Feb. 26 at 12, London, aud. ac.—John Gray and John R. Henson, Epsom, Surrey, upholsterers, March 8 at 11, London, aud. ac.—Mark Hayes, New Brentford, Middlesex, cheesemonger, Feb. 27 at 11, London, aud. ac.—John W. Martin, Yalding, Kent, farmer, Feb. 27 at 11, London, aud. ac.—George W. Kenrick, Paragon-road, Church-street, Hackney, Middlesex, livery-stable keeper, Feb. 27 at 12, London, aud. ac.—Thomas Whitaker Pringle, Hawley-place, Kentish-town, Middlesex, grocer, Feb. 27 at 12, London, aud. ac.—James Stannard, Newport, Isle of Wight, trader, Feb. 27 at 11, London, aud. ac.—John Bound, Hay, Breconshire, draper, Feb. 26 at 11, Bristol, aud. ac.; March 14 at 11, div.—George Cappur, Nantwich, Cheshire, cheese factor, Feb. 27 at 11, Liverpool, aud. ac.—Robert Ballantyne, Liverpool, merchant, Feb. 26 at 11, Liverpool, aud. ac.—Joseph Bell, Liverpool, shipwright and boat builder, Feb. 26 at 11, Liverpool, aud. ac.—William Caldwell, Shevington, Lancashire, coal proprietor, Feb. 27 at 11, Liverpool, aud. ac.—Thomas Leah and Herbert Leah, Liverpool, merchants, Feb. 25 at 11, Liverpool, aud. ac. joint est. and and. ac. sep. est. of T. Leah; March 8 at 11, div. sep. est. of T. Leah.—James Blackhurst, Liverpool, attorney-at-law, Feb. 26 at 11, Liverpool, aud. ac.—John Carmichael, Liverpool, merchant, Feb. 26 at 11, Liverpool, aud. ac.—John Cartmell, Liverpool, shoemaker, Feb. 27 at 11, Liverpool, aud. ac.—Samuel Clough and William Thompson Clough, Eccleston, Lancashire, alkali manufacturers, Feb. 27 at 11, Liverpool, aud. ac. sep. est. of S. Clough.—Anthony Cumming the younger, Liverpool, merchant, Feb. 26 at 11, Liverpool, aud. ac.—Thomas Morrison, Rhyl, Flintshire, coal merchant, Feb. 25 at 11, Liverpool, aud. ac.—Henry Buggeln, Liverpool, coke merchant, Feb. 26 at 11, Liverpool, aud. ac.—William Hiliar, Eastham, Cheshire, hotel keeper, March 8 at 12, Liverpool, aud. ac.; March 19 at 11, div.—Peter Whitelech, Leeds, Yorkshire, grocer, Feb. 26 at 11, Leeds, aud. ac.—John Lord, Sidney Aquila Butterworth, and Horatio Butterworth, Shelf, near Halifax, Yorkshire, dyers, Feb. 26 at 11, Leeds, aud. ac. sep. est. of John Lord.—Isaac Hanson, Halifax, Yorkshire, innkeeper, March 5 at 11, Leeds, aud. ac.—Moses Hindle Burrows, Wakefield, Yorkshire, worsted spinner, March 5 at 11, Leeds, aud. ac.—John Gladwin Dickinson and Joseph Auchterlonie Creighton, Aldermansbury, City, shirt manufacturers, March 12 at 12, London, div.—James Sharp, Grosvenor-street West, Eaton-square, Middlesex, apothecary, March 8 at 12, London, div.—Henry Potter and Samuel James John Hind, Sutton, Surrey, builders, March 8 at half-past 11, London, div. sep. est. of S. J. J. Hind.—William Strong, Merton-road, Wandsworth, Surrey, builder, March 8 at half-past 11, London, div.—Henry Freeman and Charles Chartier, Cheapside, City, licensed victuallers, March 8 at 11, London, fin. div.—Wm. Scamell, Tottenham-court-road, Middlesex, leather seller, March 8 at 12, London, div.—William Henry Woollett and John Frederick Sanford Woollett, Lime-street-square, City, commission merchants, March 8 at 2, London, div.—Arthur Wentworth and Thomas Wentworth, Skin-market, Bermondsey, Surrey, hide salesmen, March 8 at 2, London, div. sep. est. of T. Wentworth.—Henry Coltingbourne, Foleshill, near Coventry, Warwickshire, ribbon manufacturer, March 11 at 11, Birmingham, div.—John Cope Lench, Birmingham, leather seller, March 11 at 11, Birmingham, div.—

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## THE JURIST.

LONDON, FEBRUARY 23, 1861.

AN able conveyancer has forwarded to us for publication a proposed form for the settlement of chattels as heir-looms, to which we wish to call the attention of our readers, as the subject is one of considerable interest to the conveyancing branch of the Profession, and not without its importance to the public, whose enjoyment and amusement are often much increased by the ownership of a valuable collection of heir-looms being united to the ownership of a family estate. It would be no small loss to the public if the collections of works of art at Chatsworth and other similar places, the liberal owners of which are in the habit of allowing free access to visitors, were, through some defect in conveyancing, to become separated from the mansions, and perhaps dispersed or sold.

The subject is elaborately discussed by Sir W. P. Wood, V. C., in *Lord Scarsdale v. Curzon* (1 Johns. & H. 40; 6 Jur., N. S., part. 1, p. 209), where his Honor points out that the forms in common use are more or less objectionable. The objection to the most usual form of trust is, that under it the heir-looms vest absolutely in the first tenant in tail who attains twenty-one. This being so, unless a resettlement of them is made, the absolute reversionary interest in them, sub-

ject to the prior life interest, will, in the event of his dying before his estate tail comes into possession, devolve to his personal representatives, so that an immediate severance between the title to the estate and the title to the chattels takes place. On the other hand, if the vesting be postponed (which, no doubt, within due limits, may be done) until the compound event of majority and possession happens in the person of some tenant in tail, the chattels cannot be comprised in a resettlement of the estate made by a tenant for life and an adult tenant in tail in remainder, since the interest of such tenant in tail in the chattels will be only contingent.

The form proposed by our correspondent aims at meeting both these objections in a way which seems well calculated to remove the principal imperfection incident to the modes which have hitherto been adopted of settling chattels to go along with real estate. With a view to meet the objection arising from the premature acquisition of an absolute reversionary interest, which takes place under the form most commonly in use, the vesting of the absolute interest is suspended, not merely until a tenant in tail by purchase attains twenty-one, but for the furthest period that the law allows—viz. until the expiration of twenty-one years from the death of the survivor of the several persons who are made tenants for life of the real estate under the instrument by which the settlement is made; and

on the determination of that period the absolute interest is then conferred upon the person or persons then entitled to the inheritance.

In order to obviate the objection above adverted to, that such a lengthened suspension of vesting prevents the making a resettlement so soon as the first tenant in tail attains twenty-one—a step which is so usual and desirable in the case of large landed properties—it is proposed to adopt the expedient of subjecting the chattels to a general power of appointment, exercisable by the persons or person for the time being competent and of positive ability to disentail and re-settle the estate, the period for the exercise of such power being limited to the lives of the tenants for life, and the survivors and survivor of them, and the period of twenty-one years from the death of the survivor, so as to avoid any question as to the power being void for remoteness.

The proposed form appears to us to be framed with great care and skill, and to be well adapted to attain its object—that of settling chattels so as to go along with real estate as far as the law will allow, and at the same time giving to the persons beneficially interested the same power of dealing with the chattels as they have of dealing with the land. The wish of settlers who desire the insertion of clauses making chattels go as heir-looms is no doubt to make the chattels, so far as the law will allow, an accessory to, and as it were a part of, the real estate, so as to follow its devolutions, in the same way as if they were affixed to the freehold, and formed part of the inheritance. The full gratification of this wish, which cannot, we think, be considered either unreasonable in itself or in any way opposed to public policy, is impossible while the rules of law as to freeholds and chattels remain as they are; but the proposed form seems to us to go further towards effectuating it than any form we have seen. The framing a new clause in a satisfactory form, and well adapted to general use, is, however, as every draftsman well knows, a matter of great difficulty, and any of our readers who would consider and point out any particulars in which the proposed scheme of limitations may be objectionable, or susceptible of improvement, would thereby give valuable assistance towards attaining the object sought by its framers—that of arriving at a set of trusts which may be safely and satisfactorily adopted in practice, as regards heir-looms, and may, with some alterations in language, be used with equal advantage in the case of leaseholds forming part of a settled estate.

The proposed form is as follows:—"Upon and for such trusts, intents, and purposes as the persons [or, as the case may be, the single person] for the time being of capacity in respect of interest, and of ability in respect of age, to make such a disposition of the said mansion-house called A. as will operate to bar or destroy the estates tail therein hereby created; or such of them as may be subsisting, and all remainders, limitations, estates, and interests depending or expectant upon such subsisting estates or estate tail, shall at any time, or from time to time (not being beyond the expiration of a term of twenty-one years, computed from the day of the decease of the last survivor of the several persons hereby made tenants for their respective lives of the said mansion-house), by any deed or deeds, direct or appoint; and in default thereof, and in the meantime subject thereto, upon trust to permit the said chattels to go and be held and enjoyed, so far as the rules of law and equity will permit, and in the nature of heir-looms, along or together with the said mansion-house, by the person or persons for the time being entitled to the possession thereof under or by virtue of the uses hereby limited; and, subject as aforesaid, upon further trust to assign the said chat-

tels absolutely unto the person (or, if more than one, unto and equally, as tenants in common, between or among the several persons) who at the expiration of such term of twenty-one years as last aforesaid shall (or, if this settlement were then continuing in full force, would), under or by virtue of the uses hereby limited, be entitled in possession to the said mansion-house for an estate in tail or fee-simple, as the case may be."

### THE BANKRUPTCY BILL.

THE ATTORNEY-GENERAL pleads the ill-reception of his first Bankruptcy Bill in excuse for the badness of his second attempt. But the plea, if it implies that he has to satisfy an assembly which is impatient of a good measure, is not supported by the evidence. The bill of last year was well received on its introduction, because the House of Commons trusted that would justify the description given of it by the Attorney-General. They welcomed it because it professed to consolidate the bankrupt law, and to subject the estates of all insolvent debtors, whether traders or not, to one uniform system of distribution. They rejected the bill when they discovered that it was so full of blunders and defects as to prove at once the incompetency of the draftsman and the disgraceful negligence of the public officer who gave it the sanction of his approval, and that the clauses for extending the bankrupt law to non-traders had been framed with so little consideration as to apply the same tests of insolvency to private persons as to traders. The Commons, anxious to pass a consolidating and amending measure, had nothing of the kind before them, and they could neither undertake to frame such a measure in committee, nor trust the Attorney-General to do it for them. The difficulty which the Attorney-General feels, in passing a consolidating bill, lies in his own incapacity to select efficient draftsmen, and to supervise the work.

A large portion of the present bill is composed of clauses taken from the former one, freed from some outrageous blunders which were pointed out by critics in and out of the House. It is still, in spite of the amendments which have been forced upon its promoter, ill-contrived and ill-expressed in its details. The objections to the judicial establishment and the subordinate machinery provided for the administration of the bankrupt law, and particularly to the transfer of the administration of bankrupts' estates from the official assignees to the nominees of creditors, were sufficiently pointed out in the debate on Monday last. We trust that these objections, the demerits of the bill in matters of detail and expression, and the consideration, that though the bankrupt and insolvent law greatly need consolidation and amendment, there is no urgency for a fragmentary measure of questionable policy, which would increase the existing confusion, will be sufficient to secure the rejection of the bill; and then, perhaps, the Attorney-General will be persuaded to resign to others the part of law reformer, which he has assumed with very slender qualifications, and hitherto performed with infinite discredit.

ERRATUM.—The signature to the letter on the Constitution of the Slave States, in our last number, should have been "H. J. Roby."

In our last number (ante, p. 57), the able article in a former number, intitled "The Franchise in the Slave States of America," together with the comment on Mr. Roby's letter respecting it, are by mistake attributed to the Editor of THE JURIST. They both proceed from an old and valued correspondent.

## JURIDICAL SOCIETY—ANDERSON'S CASE.

AT a meeting of the Juridical Society held on Monday, the 4th February, 1861, R. P. Collier, Esq., Q. C. M. P., in the chair, a paper was read by the Hon. George Denman, M. P., on the question, "Is the Government of the United States of America entitled, under the Ashburton Treaty, to claim the extradition of the fugitive Anderson?" A debate ensued, which was adjourned, and resumed on Monday, the 18th inst., W. M. Best, Esq., in the chair. The following is a summary of the proceedings:—

Mr. Denman read his paper. The early part of it was devoted to an elaborate discussion of the question, whether, independent of treaty, a right to claim the extradition of criminals exists by the law of nations, which, after a full examination of the authorities, Mr. Denman resolved in the negative. After premising that all extradition treaties should be construed strictly, Mr. Denman next proceeded to contend that the effect of the proviso in the Ashburton Treaty is, that the question, whether a party is liable to extradition, depends on whether the act he did is a crime by the law of the country where he is found. In the present instance the party was found in Canada; and as by the law of that country slavery cannot exist there, and the offence with which he was charged is dependent altogether on the institution of slavery, no claim for his extradition could be maintained. This construction he considered fortified by the 7 & 8 Vict. c. 76; 8 & 9 Vict. c. 120; and the Canadian Extradition Act, 22 Vict. c. 89.

Mr. Collier was of opinion that extradition treaties were intended solely to meet the case of persons who offended against the law of nature and nations. The construing the term "murder," in the present treaty, according to the law of Missouri, would lead to absurdity. Suppose the law of that State had constituted it murder for a slave, even in his own defence, to kill a white man; or for a negress to kill a white man who was attempting to ravish her, England would be obliged to give up the party as a murderer.

Mr. Fitzjames Stephen said, that, much against his inclination, he found himself compelled to conclude that the claim to extradition in this case was well founded. All crime was in its nature local, and consequently to be determined by the law of the place where it is committed. It was useless to talk about the law of nature, that expression being nothing more than a collective name for a number of theories of various writers. The proviso in the treaty must be understood with reference to *proof*, not to *law*—i. e. the crime must be defined by the law of the place where it was committed, but the proof of it by the place where the party is found. The English Vagrant Act constituted a species of slavery; still he considered that the Americans would not be justified in refusing to give up a man who here slew another who was in the act of attempting to arrest him as a vagrant. He referred to the treaty of extradition between France and England embodied in the 6 & 7 Vict. c. 75, in corroboration of his view, and observed, that if England was dissatisfied with the treaty, she had power under the eleventh article to put an end to it at any time.

Mr. W. M. Best was of opinion that the word "murder" in the treaty must be construed according to the meaning of that word in, and the general principles of, international law. He referred to the rules for the interpretation of treaties, &c. laid down by Grotius (book 2, c. 16), and adopted by Wheaton (International Law, 355, 6th ed.) and other writers, among which are the two following:—First, that words in a treaty may be read in a sense more limited than

their natural sense, when adhering precisely to the letter would impose on a contracting party either the onus of doing some act in violation of divine or natural law, or a burthen too grievous and intolerable. According to both Wheaton (International Law, 179, note (a), 6th ed.) and Ortolan (Règles Internationales de la Mer, vol. 1, p. 346, 2nd ed.), extradition treaties are only meant for acts regarded by common consent as grave crimes, and not for offences of a political or purely local nature. The present treaty included charges of "piracy," and it would be absurd to suppose that under this word England could claim the extradition of a person engaged in the slave trade, which is piracy by her law, but not by the law of nations.

Mr. Westlake cited several authorities in support of the opinion of Mr. Denman, that there is no right of extradition independent of treaty. In answer to Mr. Stephen, he observed, that although the authority to punish crime is local, it is otherwise with respect to the definition of the crime itself.

Mr. F. S. Reilly was of opinion that the question rested on the Extradition Acts, 7 & 8 Vict. c. 76, and 22 Vict. c. 89 (Canadian), and not on the treaty; and if so, the term "murder" here must be understood with reference to English law. He contended that a minister of state was not bound to give up a person, even though his case came within the letter of the statute, but he was bound to take all the circumstances into consideration. Suppose, for instance, "adultery" had been included in the treaty, England would not be justified in claiming the extradition of a Mormon who had married several wives.

Mr. C. Hopwood, on the contrary, thought that the construction of the provisions of this treaty was for courts of justice, and not for ministers of state.

Mr. F. M. Nichols considered that crime must be understood with reference to the law of the country where the party is found. Whether a particular act affecting property is a crime depends on the way in which title to property is conferred in the country where the act is done. Suppose a slave in Missouri were to rob his master of his horse and arms in order to effect his escape, that act could not be construed robbery without recognising the existence of slavery. It is only by the comity of nations that the laws of one country are recognised in another; and this is never done when those laws are in violation of natural justice or decorum.

Mr. Vernon Lushington thought that the crimes designated in the treaty were meant to be such as are palpably crimes in all civilised countries.

Mr. A. Cohen agreed nearly with Mr. Reilly. It was a well-known rule in courts of equity, that if a contract did not express the intention of both parties it might be rectified. In international contracts the same object was obtained by putting a liberal construction upon them.

Mr. C. Clark urged, that, as this treaty was not ratified until after its provisions had been discussed in the Legislatures of the two countries respectively, each party must be taken to have ratified the treaty with knowledge of the views stated in those discussions, and consequently of the views of the other party relative to its intended effect. The language of the English ministers in the Legislature of that period clearly shewed that the treaty was not meant to apply to a case like the present.

Mr. Denman, in an able reply, maintained his original views. He observed that the society should discuss the question as jurists, not as statesmen. The proviso in the present treaty was evidently copied, word for word, from a similar treaty between the same countries in 1795. There were few reported as-

stances of extradition under either act, some of those which arose in America having gone off on the by-point of whether the claim of extradition had been made by duly authorised persons. A case occurred at Bow-street, before Mr. Hall, in which America claimed a man on a charge of robbery, under circumstances that by English law only amounted to larceny by a servant, and the man was not given up.

It is not the practice of this society to put to the vote the questions discussed there.

### Correspondence.

#### ON PAYMENT OF MONEY INTO COURT IN ACTIONS OF DETINUE.

TO THE EDITOR OF "THE JURIST."

SIR,—Mr. Stephen, in his edition of the Common-law Procedure Act, 1860, seems to have fallen into an error as to the effect which that statute will have on the power of paying money into court in actions of detinue; and it may be worth while to point out and correct that error.

The 25th section of the Common-law Procedure Act, 1860, so far as concerns the action of detinue, is to the following effect:—

"It shall be lawful for the defendant, by leave of the court or a judge, and upon such terms as they or he shall think fit, to pay money into court to answer the claim of the plaintiff, to the value of the goods alleged to be detained."

Now, Mr. Stephen's note to the above section is, so far as regards the present question, as follows:—

"As to actions of detinue, see *Crossfield v. Such* (8 Exch. 159), from which it would appear that the present section is only declaratory of the law with regard to actions for detaining goods. It will, however, be remarked that leave must be obtained before paying money into court in actions for detainer. In other actions (where it can be paid in at all) no such leave is required, unless in the case of there being more than one defendant in the action. As far, therefore, as detinue is concerned, the present provision is a restraining rather than an enabling enactment; for, if *Crossfield v. Such* be law, a defendant in detinue might (under the Common-law Procedure Act, 1852) have paid money into court without leave."

On looking at *Crossfield v. Such*, it will be found that the point actually decided was, that, as to the detaining of the goods, the defendant might plead that he had redelivered them to the plaintiff; and as to the damage caused by the detention, he might plead payment of money into court. It must, however, be admitted, as a correct inference from Baron Parke's judgment, that *then* the defendant could, even as to the detaining of the chattel, plead payment into court. But it is important to observe, that *Crossfield v. Such* was decided in the year 1852, and that it was expressly decided five years afterwards, in *Allan v. Dunn* (1 H. & Norm. 572), that in an action of detinue the defendant cannot plead payment into court in satisfaction of the value of the goods; the judgment in this last case being entirely founded on the provisions contained in the 78th section of the Common-law Procedure Act, 1854. This section merely enables the plaintiff, in an action of detinue, unless the court or a judge should otherwise order, to distrain till the defendant should render the chattel, and deprives the defendant of the option, which he formerly had, of retaining the chattel upon paying the assessed value. It was, therefore, held by the Court of Exchequer, that to allow the defendant in detinue to pay money into court in satisfaction of the value of the chattel

would be virtually to repeal the above section, inasmuch as it would have the effect of giving back to the defendant the very option which it was the object of that section to take away from him.

It is, then, clear that at the time of the passing of the Common-law Procedure Act, 1860, the defendant could not plead payment into court as a defence to the detaining of a chattel; and this is exactly what the 25th section of that statute enables him to do by leave of the court or a judge. Moreover, a very little consideration will shew the wisdom of this enactment; for suppose the chattel, which is alleged to be detained, to be destroyed or lost, in such case it is clear that, under the 78th section of the Common-law Procedure Act, 1854, the plaintiff would be prevented by the court from continuing to distrain the defendant, by his lands and chattels, until he should do what, according to the hypothesis, it would be impossible for him to do—namely, until he should render the chattel. In such and similar cases, which were no doubt in the contemplation of the framers of the last Common-law Procedure Act, it will save useless expense and needless annoyance to allow the defendant at once, by leave of the court or a judge, to pay money into court.

It may be added, that there is nothing in the above-cited section of the Common-law Procedure Act, 1860, which has any reference to the damage sustained by reason of the detention, the section only speaking of "the plaintiff's claim to the value of the goods detained;" and the defendant may, therefore, as he formerly might, plead payment into court as to the damage caused by the detention.

It may not be uninteresting to observe, that, applying the principle of *Allan v. Dunn* to the 2nd section of the Mercantile-law Amendment Act, 1856, it would seem that, in an action on a contract to deliver specific goods, the defendant ought not, at least without leave of the court, to be permitted to plead payment of money into court.

A. C.

6, King's Bench Walk.

### Reviews.

*The Common-law Procedure Acts of 1852, 1854, and 1860; with Notes, and the Forms and Rules; to which are prefixed or appended all the Acts (or portions of Acts) relating to Common-law Procedure, or the Trial of Issues of Fact in the Courts of Common Law, Chancery, or Probate, with the Rules of each Court respectively. Adapted to the Use of Practitioners in all the Courts, and also to the Use of Students. By W. F. FINLASON, Esq., of the Middle Temple, Barrister-at-Law, Editor of "The Common-law Procedure Acts, 1852 and 1854." [V. & R. Stevens & Sons, 1860.]*

*The Common-law Procedure Acts, and other Statutes relating to the Practice of the Superior Courts of Common Law, and the Rules of Court, with Notes. By JOHN C. F. S. DAY, Barrister-at-Law.*

[Sweet, 1861.]

THE passing of a third Common-law Procedure Act has created a demand for a book incorporating all the three acts, with the usual concomitants of decided cases, rules, &c.; and, recollecting the number of books brought into existence by the first of these acts, we could feel no anxiety as to the demand being speedily met. The two books whose names head this article have already appeared, and call for our notice.

Mr. Finlason's, which, we believe, appeared first, although by its exterior label it professes to be merely a work on the three Common-law Procedure Acts, seems, by its title-page, to have been conceived in a



more ambitious spirit. In the absence of a preface, we have had to ascertain the author's object from the title-page and headings, and it appears to have been, to collect, for the use of students and practitioners in the Chancery, Common-law, and Probate Courts, all the acts relating either to common-law procedure or trials of issues of fact. That all have not been collected we think will appear from the list of contents; but the bulk of the modern acts on procedure seems, at all events, to be contained in this book. It also contains two other important acts, which, perhaps, hardly come within the scope of a book on procedure, viz. the Bills of Sale and the Mercantile-law Amendment Acts. We are not, however, satisfied with the manner in which Mr. Finlason has executed his task. The reprint of the statutes themselves is not perfect. Thus we find some dozen sections omitted from the Common-law Procedure Acts, without any intimation of their contents, and, unimportant as they turn out to be, the reader is, nevertheless, obliged to refer to some other book to ascertain that fact. Again, we find the important interpretation clause of the Bills of Sale Act omitted, and put into a note to sect. 1, without any intimation that it is part of the act; and the schedules to the Procedure Act of 1852 are not appended to that statute, but intermingled with the rules of court and forms, Schedule (B.) heading the list, without being even described as such schedule. But what struck us most as an indication of haste and want of arrangement was our finding the 1 Will. 4, c. 22, in a note at p. 221, instead of in its proper order at p. 5; and the 9 & 10 Vict. c. 93, at the end of the book, with an intimation that it has been omitted at p. 14, although merely an alteration of the paging would have allowed of its insertion. We also perceive indications of carelessness in the inaccuracies of the references given by the table of contents; and though the notes contain that learning for which the author's name is a guarantee, we feel our confidence somewhat shaken when we find, in note (c) to sect. 14 of the Mercantile-law Amendment Act, a reference to *Jackson v. Woolley* as deciding that mere knowledge of a co-debtor gives no greater effect to a payment, without any intimation of the fact that the Court of Queen's Bench also decided that the section was retrospective, and was overruled on that point by the Exchequer Chamber. In fine, we think that this book, although it contains a mass of valuable information in the way of statutes and cases—and, after the strictures it has been our disagreeable duty to make, we feel very anxious to draw attention to this good feature of the book—and cannot but be useful to those who wish to have in a small space many important statutes, with a valuable collection of notes on them, is faulty in its execution. This book contains the germ of a very valuable addition to our law library; but Mr. Finlason, in his haste, as we imagine, to precede other writers, has not done himself proper justice.

With regard to Mr. Day's book, this pretends to be nothing more than is indicated by its title—the three Common-law Procedure Acts, with the rules, &c., and notes. The task which Mr. Day has imposed on himself he has well performed, and we cordially recommend his treatise both to students and practitioners. It commences with an exceedingly good sketch of the leading alterations introduced by these acts; and in the notes to the Procedure Acts themselves we find every statute or part of a statute (except the ninth part of the Merchant Shipping Act) which is referred to by those acts, and necessary for their complete exposition; and the notes themselves contain some very clever little treatises on subjects suggested by different sections of the acts—for instance, on affidavits, at p. 15; on evidence, at p. 195; on discovery, at p. 221;

on equitable defences, at p. 241; and on interpleader, at p. 261. There is also a copious index, which is no mean feature in a book. We do Mr. Day simple justice when we say that he has produced a careful, clever, and satisfactory book, useful both to the legal student and practitioner.

## PUBLIC PROSECUTORS.

In the number of *THE JURIST* for the 19th January, 1861, will be found an article taken from *The Solicitors' Journal*, intitled "Public Prosecutors." The last number of that paper contains the following article, which is essentially connected with the former:—

"We noticed some weeks ago that an attempt was being made to throw open the prosecutions of offenders, committed by the Leeds borough magistrates, to the Profession generally, instead of allowing them to be conducted exclusively by two gentlemen appointed fifteen or sixteen years ago by the town council as public prosecutors. The subject was referred to a committee of the council, which on the 13th inst. reported as follows:—'That this committee approve of the principle of the employment of public prosecutors, and are of opinion that the ends of public justice would be best served by the appointment of such officers; but recommend to the council that the present appointments be rescinded from and after such time as the council may deem expedient, and that the future appointments to these offices be not permanent, but rotatory, and continue in force for twelve months only; the parties appointed being required to conduct such prosecutions for the county allowance. That the justices be recommended in all special or important cases, where it is considered expedient for the ends of public justice so to do, to bind over the party aggrieved to prosecute at either the sessions or assizes, as the case may be.'

"It was thereupon moved that the report be adopted, and that the committee be authorised to carry it out, and report to the council; and a resolution to that effect was, after some discussion, carried unanimously. The gentleman who moved the adoption of the report explained that the system which its framers contemplated was, that the public prosecutors should conduct all cases, excepting those which might seem so important to the magistrates as to induce them to bind over the party aggrieved to prosecute, instead of binding over a policeman, and that such exceptional cases should be conducted by the prosecutor's own attorney. Instead, moreover, of the office of public prosecutor being a permanent one, it would only be held for a year by each occupant, who would be selected by lot from those attorneys practising within the borough who were able and willing to take it. If the town council and the magistrates insist on interfering with the conduct of prosecutions, which they appear to have no right to do, the arrangement suggested by the committee appears to be as little open to objection as any that could be made. The main ground alleged for assuming the right is, that if the party aggrieved were left free in every case to choose his own attorney, there might be touting for prosecutions on the part of some attorneys who do not stand high in the Profession. So far as Leeds is concerned, however, we believe that this apprehension is unfounded; and even if it were not, we object, on principle, to the doing of evil that good may come. The town council of a borough has no more right to appoint a public prosecutor than has the parish vestry or the board of guardians, nor have the magistrates any right to say to the real prosecutor, 'You shall not prosecute, but we will bind over one of the police to do so.' If the present



system of prosecuting offenders requires amendment; let the Legislature interfere; but in the meantime corporations and magistrates ought not to exceed their powers on the mere ground of expediency."

## THE CRIMINAL LAW.

### SPEECH OF THE SOLICITOR-GENERAL.

ON Thursday evening the Solicitor-General introduced into the House of Commons a series of bills to consolidate and amend the statute law of England and Ireland relating to several very important branches of the criminal law. We give his speech on that occasion, as reported in *The Times* of Friday.

The Solicitor-General rose to move for leave to introduce bills to consolidate and amend the statute law of England and Ireland relating to offences against the person, malicious injuries to property, larceny, forgery, coinage offences, accessories and abettors, and also to repeal certain enactments which had been consolidated in other acts. He said it would be in the recollection of the House that during last session bills bearing the same title as those on the notice paper came down from the other House, and, after being read the second time, had to be dropped because the state of public business would not admit of their then receiving that consideration in committee which was thought desirable. He now proposed to re-introduce them, in redemption of a promise given at the time of their withdrawal. The bills in question were seven in number, and their general object was to consolidate and assimilate the statute law of England and Ireland bearing upon crimes. One of the seven, however, was simply a repealing bill, abolishing the enactments for which the other six, if passed, would become the substitutes; while another, referring to accessories and abettors, fell rather under the category of criminal procedure than of criminal punishments. These measures would not interfere with that portion of our criminal law, now small in extent compared with the rest, which was common or unwritten. As to the propriety of consolidating the statute law, but one opinion was entertained among all who had considered the subject. Any attempt, on the other hand, to collect and put into a compact form that other part of the criminal law which was called common or unwritten, would amount, not to consolidation merely, but to codification, and would stir up matters of controversy. But, as for many years past the great bulk of our criminal law had been the creature of statute, the bills which he was about to bring in would effect a very considerable reform in the administration of that branch of our jurisprudence. The punishments provided by the common law were comparatively few and simple. As society grew older, and new wants were felt, other punishments had to be established, and these were based upon statute. The measures, therefore, to which he invited attention not only dealt with a very large portion of our criminal law, but with that portion which was most familiar in its operation, and which, in its relation to the interests of society, was of the gravest character. No doubt, while consolidating, it was wise also to assimilate the law of the two countries as far as practical and convenient; but, as the circumstances and exigencies of the two nations in important points materially varied, it was obvious that a limit was placed by that fact on the expediency of such an assimilation. That distinction had been observed in framing the bills now before the House. The proposal contained in the bills to consolidate and assimilate was but part of a most important work, in which it would be of the highest advantage to make material progress—he meant the reformation of the statute book. In order to this the statute book should contain only those statutes which were in operation—not repealed, expired, or obsolete; and that those statutes which alone composed the statute book should appear on the face of it in a convenient form, collected under proper heads and divisions. This collection was the function of consolidation, and when consolidation had taken place, expurgation must follow. They could not have a perfectly satisfactory statute book until they were able to combine these two operations. Consolidation was the first step, and the necessity for it was the most urgent. He hoped the House would be of opinion that the step taken by these bills

was in the right direction, and that the benefit to be derived from them, if passed, would be not inconsiderable, forming an auspicious beginning in the course of general statute consolidation, and conferring important facilities and benefits, in the way of clearness, intelligibility, and access, both to those who were subject to the law and those who administered it. He admitted, however, that after the sum of improvement these bills would effect, much would still remain to be done. Suppose these bills passed, they would be published in autumn as component parts of the statute book, which, so far, would be extended; but if they proceeded in a proper direction, with the other process of expurgation going on, a great mass of enactments and clauses of other acts would disappear from the statute book. The subject of consolidation had not been recently taken up for the first time; its necessity had been long felt, and legal writers of great eminence, in comparatively early times, when the statute book was much less formidable than now, had insisted on it, and deplored that it had not been carried into effect. That eminent statesman, Sir R. Peel, had taken great interest in the question, and various acts consolidating the criminal law had been prepared under his auspices, and still bore his name. A number of commissions had been issued from time to time to inquire into this subject. The first commission for the digest and consolidation of the criminal law was issued in 1833. In 1836 a similar commission was issued, which made three reports. In 1837 there was another commission, and which issued four reports. In 1845 a fourth commission was appointed, which issued five reports. From 1833 down to 1849 there had been no less than four commissions and twelve reports on the subject of consolidation. He alluded to those commissions because the bills he was now seeking to introduce, though not framed by any body of commissioners, had been prepared after a careful perusal of the reports of the various commissions to which he had referred. In 1853 and 1854 two successive commissions were issued, which differed from the previous ones in some respects, and which were called Statute-law Commissions; whereas all the commissions he had mentioned, from 1833 down to 1849, had reference to crime alone, the commission of 1854, which was the last of the series, had reference to the statute law at large, of which that relating to crime formed only a part. In 1856 eight criminal bills were prepared by the Statute-law Commissioners, and were referred to eminent and competent authorities—Lord Wensleydale, the late Chief Justice Jervis, Sir Fitzroy Kelly, and Mr. Greaves. Those bills were the foundation of the measures which he was now seeking to introduce. They were placed before the other House by Lord Cranworth in July, 1856, but in consequence of the late period of the session they were dropped, and not further proceeded with. In the following year a change was made in the mode of procedure adopted by the commissioners. Up to 1857 it had been considered that the labours of the commissioners should be confined to the work of consolidation, without any attempt at amendment; but in that year the Statute-law Commissioners, presided over by Lord Cranworth, resolved that in future consolidations admitted imperfections and omissions should be remedied. That plan had been invariably acted upon since 1857, and the present bills, although entitled to the character of consolidation bills, contained various alterations and amendments of the existing law. With two exceptions they were similar to those which were introduced in 1857, and which had been previously approved by the deliberate judgment of Lord Wensleydale, Chief Justice Jervis, Sir Fitzroy Kelly, and Mr. Greaves. They were not brought forward, therefore, without due consideration; they embodied the result of the labours of successive commissions, and could not fail, he thought, to meet the approval of the House. The next point to which he would advert was that of the assimilation of the criminal law as it prevailed in England and in Ireland—an object which, in the bills on the subject which had been introduced in 1857, it had been sought, to a limited extent, to attain. The question, not being one of a party character, had been dealt with by successive Governments with an earnest desire to solve the difficulties by which it was encompassed in a satisfactory manner; and the Administration of Lord Derby had accordingly, in 1858, taken steps to carry out, still further than had been proposed in the previous year, the principle of which he was speaking. The measures, however, which the Government of Lord Derby

had laid before Parliament with that view had been dropped, owing to the dissolution which had taken place shortly after their introduction; but an eminent member of that Government (Mr. Whiteside) had last session laid upon the table certain bills, which had not gone beyond a second reading, and which embraced the principle of assimilation to the extent provided in those to which he now invited the attention of the House. Into the history of the various measures which had been introduced on the subject of the consolidation of the criminal law generally up to the present moment he should not further enter, beyond saying, that, as the bills on their table stood when they had been brought into the other House by the Lord Chancellor last year, persons were made liable to have the punishment of death inflicted upon them for two offences only—murder, and the administration of poison with intent to murder; that subsequently, in the passage of the bills through the other House, three other instances in which death might be inflicted were added to the catalogue of offences so punishable; but that the bills, as they were now framed, had been reentered, in that respect, to the shape in which they had been originally introduced. For malicious injuries a provision was copied from a statute of Geo. 3, inflicting the punishment of death on those who were found guilty of setting fire to arsenals, dockyards, and establishments of that kind. The bill would leave the punishment as it was, and it would be for the House to deal with it. Some expressions of dissent had been used with regard to the punishment of whipping, which occurred with some frequency. Where it was sanctioned at all, it was restricted to persons of the age of eighteen, and some members thought that too advanced an age. He had left the clauses as they stood; but it would be competent for any gentleman, at the proper time, to review the decision of the framers of the bills; and in the end, doubtless, that would be done which would give satisfaction to the House. If the House granted him leave to introduce these bills, he should propose, after they were read a second time, to refer them to a select committee. He had already stated that that course had been satisfactorily adopted by the other House of Parliament. There were circumstances in the state of Ireland more or less different from the circumstances of England, which made it expedient not to alter the principle of the law, but to confine assimilation to cases to which it was reasonably applicable. If the propriety of the changes were challenged, it would be necessary to refer to various enactments affecting the sister kingdom, and to compare them with the criminal law of England. An amount of detailed labour would be necessary, as any member was fairly entitled to require it, and it could be better accomplished in a select committee than in a committee of the whole House. It was not too much to anticipate that the bills would come from the select committee in a state in which they might be regarded with the persuasion that the law was properly and prudently consolidated, and that no injurious changes had been introduced for the purpose of assimilation.

### BILL IN PROGRESS.

#### CONSTRUCTIVE NOTICE.

(*Lord St. Leonards*).

No purchaser for valuable consideration, or mortgagee, shall be bound by any implied or constructive notice of any charge, or of any other act, matter, or thing affecting the title to the property purchased or taken in mortgage, unless the court shall be of opinion that the conduct of such purchaser or mortgagee amounted to fraud.

#### RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

(*Continued from p. 38*).

*Time for Pleading, &c.*

58. The plea and subsequent pleadings in all cases are to be delivered between the respective parties.

59. Unless otherwise ordered by the court or a judge, the time for pleading shall be fourteen days from the service of the notice to plead; and a notice requiring

the defendant to plead in fourteen days, otherwise judgment, may be indorsed on the information or other proceeding required to be pleaded to or delivered separately; and the time for replying and pleading all subsequent pleadings shall be fourteen days from the service of the notice to reply, &c., and a like notice to that effect may be indorsed on the pleading, or delivered separately, but time may be obtained by order of a judge. On default, after such notice, judgment may be signed.

60. If the opposite party doth not appear on a summons for time, and consent to or oppose the summons, the party applying for time may obtain a subsequent rule or rules for any time not exceeding three weeks on each rule from the Queen's Remembrancer's Office, to be dated the day it is issued; and such rule may from time to time be issued to either party, unless a two days' notice is given to the opposite party that the application for further time is objected to, and in such case the application for further time must be made to the court or a judge.

61. The pleadings and proceedings in revenue may be had and taken throughout the year, without reference to any seal day; provided that, in all cases in which any particular number of days, not expressed to be clear days, is prescribed by the rules or practice of the court, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas-day, Good Friday, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusively of that day also.

62. The days between the Thursday next before and the Wednesday next after Easter-day and Christmas-day, and the three following days, shall not be reckoned or included in any rules, notices, or other proceedings, except notices of trial. Informations may be delivered or served on any day except Sundays, Christmas-day, Good Friday, or any day appointed for a public fast or thanksgiving.

63. In case the time for pleading to any information, or for answering any pleadings, shall not have expired before the 10th August in any year, the party called upon to plead, reply, &c. shall have the same number of days for that purpose, after the 24th October, as if the information or preceding pleading had been delivered or filed on the 24th October. This rule is not to apply when a defendant is in gaol under a capias for penalties, or under an attachment, and is afterwards served with a copy of the information.

64. Every information and other pleading shall be intitled "In the Exchequer," and of the day, month, and year when the same was filed or delivered, as the case may be, and shall bear no other time or date, and every information and other pleading shall also be entered on the record made up for trial (and on the judgment-roll if necessary) under the date of the day, month, and year when the same respectively took place, and without reference to any other time or date, unless otherwise ordered by the court or a judge.

65. In cases of claim under extent or transcript of escheat or outlawry, or appearance to scire facias, the proceedings may commence in the words set forth in the Schedule (C.), Forms 1, 2, and 3, hereto annexed, under their respective heads, or as near thereto as may be.

66. No entry of continuances by way of imparlance, curia advisare vult, vicecomes non misit breve, or otherwise, shall be made upon any record or roll whatever, or in the pleadings.

67. If no proceeding has been had for one year from the last proceeding had, the party who desires to proceed shall give a calendar month's notice to the

other of his intention to proceed; a summons of a judge, if no order be made thereupon, shall not be deemed a proceeding within this rule; a rule for time to plead &c., and a notice of trial, although afterwards countermanded, shall be deemed a proceeding.

#### *Recognisances.*

68. All recognisances, if taken and acknowledged in town, are to be taken and acknowledged before a judge; and if a recognisance be taken and acknowledged in the country, the same may be taken and acknowledged before a commissioner for taking special bail in the Exchequer; and in the latter case an affidavit of caption must be made and filed.

69. No commission in future need issue for taking recognisance or bail in the country, provided that, where necessary, in the case of a bond given by a public officer, such commission may issue as heretofore.

70. Where a recognisance is ordered by the Privy Council to be entered into, the same, after the acknowledgment thereof, is to be filed in the Queen's Remembrancer's Office; and thereupon the Queen's Remembrancer is to grant a certificate of such recognisance being filed.

71. No inrolment of any recognisances shall be necessary, but the same are to be filed in the office.

72. All recognisances and bails are to be prepared on parchment by the respective parties entering into the same, excepting when, in the case of a bond by a public officer, the Queen's Remembrancer shall be directed by the Treasury to prepare the same.

[For forms of recognisances, see Schedule (C.), Forms 12 and 13.]

#### *Issue.*

73. No copy issue need be delivered, and the record of Nisi Prius in all cases is to be made up and entered with the associate by the solicitor of the Crown, but need not be sealed.

[See forms of Nisi Prius record, Schedule (C.), Forms 1, 2, 3, and 4.]

#### *Notice of Trial and Countermand.*

74. The notice of trial shall be ten days in all cases, and countermand of notice of trial four days before the time mentioned in the notice of trial, unless short notice of trial has been given, when two days shall be sufficient.

The associate in all cases at Nisi Prius is to take the verdict.

#### *Jury Process, Juries, and View.*

75. That sects. 104 to 115, both inclusive, of the Common-law Procedure Act, 1852, together with the rules 44 to 49, both inclusive, of Hilary Term, 1853, where applicable, shall extend and be adapted and applied to suits on the revenue side of the court.

#### *As to Admission of Documents.*

76. The several provisions and enactments of sects. 117, 118, and 119 of the Common-law Procedure Act, 1852, together with rules 29 and 30 of Hilary Term, 1853, shall, so far as they may be applicable, extend and apply to cases on the revenue side of the court.

77. No subpoena for the production of an original record shall be issued unless a rule of court or the order of a judge shall be produced to the officer issuing the same, and filed with him, and unless the writ shall be made conformable to the description of the document in such rule or order.

78. All depositions of witnesses taken under the order of a judge, rule of court, or writ of commission shall be returned to and filed in the Queen's Remembrancer's Office.

#### *Withdrawal of Plea and Confession.*

79. A defendant may, at any time before trial, withdraw his plea, by delivering such withdrawal to the solicitor of the department, after which the Crown may immediately enter judgment, and issue process thereupon. When the Crown signs judgment, in addition to filing the information, the withdrawal of the plea must also be filed.

80. Where the defendant confesses the information or scire facias, such confession, as well as the information or scire facias, is to be filed at the time of signing judgment.

#### *Costs.*

81. One day's notice of taxing costs, together with a copy of the bill of costs, and affidavit of increase (if any), shall be given to the solicitor of the department or attorney of the party whose costs are to be taxed by the other party or his attorney, in all cases where a notice to tax is necessary.

82. One appointment only shall be deemed necessary for proceeding in the taxation of costs.

83. Notice of taxing costs shall not be necessary in any case where the defendant has not appeared in person or by attorney.

84. The costs of the day for not proceeding to trial may be obtained by a side-bar rule on affidavit.

85. When issues in law and fact are raised, the costs of the several issues, both in law and fact, will follow the judgment or finding; and if the party entitled to the general costs of the cause obtains a verdict on any material issue, he will also be entitled to the general costs of the trial; but if no material issue in fact be found for the party otherwise entitled to the general costs of the cause, the costs of the trial shall be allowed to the opposite party.

86. On all rules and orders of the court or judge, where costs are directed to be paid to the Crown, a certificate shall be granted by the Queen's Remembrancer of the costs allowed, and on default of payment the solicitor of the department may sue out a subpoena for the payment of such costs; and on an affidavit of service thereof, and demand made, and non-payment, a fiat for an attachment may be granted.

#### *Judgments.*

87. Judgments may be signed either in term or vacation, and shall be entered of the day, month, and year (whether in term or vacation) when signed, and shall not have relation to any other day; but it shall be competent for the court or a judge to order a judgment to be entered nunc pro tunc.

88. All judgments after trials at Nisi Prius or at bar may be signed and execution issued thereon in fourteen days, and in cases of claim such writ or order as may be applicable may also issue in the like period, unless the judge or court who tried the cause, or some other judge or the court, shall order execution to issue against the defendant; or, in case of claim, such writ or order as aforesaid, at an earlier or later period, with or without terms.

89. It shall not be necessary, before issuing execution on any judgment whatever, to enter the proceedings on the roll, but a judgment adapted to the particular case, according to the forms in Schedule (B.), is to be filed on parchment in the Queen's Remembrancer's Office by the party entitled to the same, and shortly entered in the judgment book, except in cases when the judgment roll is required by the party or ordered by a judge to be carried in, when a complete copy of the proceedings must be filed in the Queen's Remembrancer's Office, for the purpose of being inrolled therein, and the same shall be inrolled by the proper officer.

90. On default of pleading after appearance, judgment may be signed, and execution issue forthwith.

91. In cases of error, where the proceedings are to be inrolled, the copy of such proceedings shall be filed at the Queen's Remembrancer's Office, by the plaintiff in error, within six days after delivering to the Queen's Remembrancer the memorandum alleging that there is error.

[For introductory words of a judgment after verdict, when the roll is carried in, see Form 5, Schedule (C.)]

(To be continued).

The Queen has been graciously pleased to give and grant unto John Fortescue Brickdale, Esq., barrister-at-law, her royal license and authority that he may take and henceforth use the surname of Fortescue, in addition to and before that of Brickdale, and also bear the arms of Fortescue quarterly in the second quarter with those of Brickdale.

*Thomas Hedgecock*, St. Helens, Lancashire, painter, March 8 at 11, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*John Griffith*, Hanway-street, Oxford-street, Middlesex, bookseller, March 8 at half-past 1, London.—*Wm. Penfold*, Market-terrace, Caledonian-road, Middlesex, smith, March 11 at 1, London.—*John Bound*, Hay, Breconshire, draper, March 12 at 11, Bristol.—*Thomas Myott*, Manchester, grocer, April 10 at 12, Manchester.—*Francis Edw. Shipley* the younger, Giltbrook, Nottinghamshire, brickmaker, March 19 at 11, Nottingham.—*Thomas Sadler Reed*, Derby, silk manufacturer, March 19 at 11, Nottingham.—*Thos. Hindle*, Everton, near Liverpool, builder, March 8 at half-past 12, Liverpool.—*William Hilliar*, Eastham, Cheshire, hotel keeper, March 8 at 12, Liverpool.

To be granted, unless an Appeal be duly entered.

*James Broadbridge*, Arundel, Sussex, grocer.—*Geo. Jas. M'Lennan* and *John W. Bird*, Osnaburgh-street, Regent's-park, Middlesex, builders.—*W. Harris* the younger, Ilford, Essex, miller.—*Edward Russell*, Long-lane, Bermondsey, Surrey, leather merchant.—*Henry John Mitchell*, Park-st., Grosvenor-square, Middlesex, licensed victualler.—*W. North Rice*, Clement's-lane, City, printer.—*Henry Walker*, Leicester, hatter.—*Benjamin Rhodes* and *George Rhodes*, Nottingham, brassfounders.

#### PETITION ANNULLLED.

*Charles Cornell*, Rochester, Kent, and Melbourne, Victoria, merchant.

#### SCOTCH SEQUESTRATIONS.

*Thomas Sloper*, Grangemouth, near Falkirk, auctioneer.—*Wm. Dunn Watson*, Glasgow, commission merchant.—*Wm. Miller & Co.*, Glasgow, engineers.—*John Mackie*, Glasgow, turner.—*John Millar*, Glasgow, builder.—*Andrew Spence*, Broughty Ferry, shipowner.—*Gray Brothers*, Perth, drapers.

TUESDAY, Feb. 19.

#### BANKRUPTS.

*RICHARD PADDY*, Amelia-place, Brompton, Middlesex, draper, March 1 and April 8 at 12, London: Off. Ass. Pennell; Sol. Jones, 15, Sise-lane, London.—Pet. f. Feb. 15.

*BARTHOLOMEW FREDERICK DUNKLEY*, Kettering, Northamptonshire, grocer, Feb. 28 at half-past 12, and March 28 at 1, London: Off. Ass. Johnson; Sol. Rawlins, Market Harborough.—Pet. f. Feb. 18.

*MARTHA ROBY*, Leamington, Warwickshire, sauce manufacturer, March 4 and 25 at 11, Birmingham: Off. Ass. Kinnear; Sol. East, Birmingham.—Pet. d. Feb. 18.

*RICHARD BURRELL* and *JOSEPH BURRELL*, Old Change, City, warehousemen, March 1 at half-past 12, and April 4 at 12, London: Off. Ass. Johnson; Sol. Jones, Sise-lane, London.—Pet. f. Feb. 11.

*GEORGE BUTCHER*, Prior-place, East-street, Old Kent road, Surrey, shoe manufacturer, March 5 at half-past 2, and April 9 at 12, London: Off. Ass. Edwards; Sol. Kent, 11, Cannon-street West, London.—Pet. f. Feb. 16.

*JOHN AUGUSTUS GUSTAVUS SMITH*, Basinghall-st., City, auctioneer, (trading under the name of Augustus Smith), March 5 at 3, and April 9 at 1, London: Off. Ass. Edwards; Sol. Poole, 58, Bartholomew-close, London.—Pet. f. March 18.

*THOMAS DARLINGTON*, Grinshill, near Shrewsbury, Shropshire, innkeeper, March 1 and 22 at 11, Birmingham: Off. Ass. Kinnear; Sols. Kough, Shrewsbury; Collis & Ure, Birmingham.—Pet. d. Jan. 5.

*JAMES THORNLEY*, Sneinton, Nottinghamshire, lace dresser, March 7 and 21 at 11, Nottingham: Off. Ass. Harris; Sol. Hearnshaw, Nottingham.—Pet. d. Feb. 15.

*WILLIAM BROWN*, Marlborough, Wiltshire, butcher, March 4 and April 8 at 11, Bristol: Off. Ass. Acraman; Sols. Sedgwick, Marlborough; Bevan & Co., Bristol.—Pet. f. Feb. 12.

*THOMAS WILLIAM FINCH*, Braithwell, Yorkshire, grocer, March 2 and April 6 at 10, Sheffield: Off. Ass. Brewin; Sols. Chambers & Waterhouse, Sheffield.—Pet. f. Feb. 16.

#### MEETINGS.

*Henry Whitfield*, Tottenham-court-road, Middlesex, linen-draper, March 4 at 11, London, and. ac.—*Thomas Whitehead*, Duke-street, Smithfield, City, tailor, March 4 at 12, London, and. ac.—*Wm. Claydons*, Conway-mews, Hampstead-street, Fitzroy-square, Middlesex, dealer in horses, March 4 at 12, London, and. ac.—*Matthew Hutchinson*, Mark-lane, City, and the Paragon, Blackheath, Kent, flax dealer, March 4 at 11, London, and. ac.—*Benjamin Silvester*, Manchester, draper, March 1 at 12, Manchester, and. ac.—*John Wm. Armstrong*, Manchester yarn agent, March 8 at 12, Manchester, and. ac.; March 15 at 12, div.—*Alfred Penny*, Richmond-villas, Holloway, Middlesex, coal merchant, and *Lloyd's Coffee-house*, City, underwriter, March 12 at 12, London, div.—*Henry Gilbert Cutts*, Southampton-st., Strand, Middlesex, commission agent, March 12 at half-past 12, London, div.—*Thomas Syckelmoore*, Maidstone, Kent, currier, March 13 at half-past 12, London, div.—*L. Zucker*, Oxford-street, Middlesex, jeweller, March 13 at 12, London, div.—*Henry Render*, Manchester and Newton Heath, Lancashire, oil merchant, March 15 at 12, Manchester, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Leonard Seocell*, Savage-gardens, City, merchant, March 12 at half-past 1, London.—*Frank Adams*, Hammersmith, Middlesex, light-rman, March 12 at 1, London.—*J. Slater Marshall*, Billiter-street, City, shoe factor, March 15 at 11, London.—*George Wilkinson*, Durham, grocer, March 12 at half-past 11, Newcastle-upon-Tyne.—*Edw. Turnbull*, West Hartlepool, Durham, shipowner, March 13 at half-past 11, Newcastle-upon-Tyne.—*Benj. Silvester*, Manchester, draper, March 14 at 12, Manchester.—*Joseph Jukes*, Eyton Lodge, near Ruabon, Denbighshire, ironmaster, March 12 at 12, Liverpool.

To be granted, unless an Appeal be duly entered.

*Augustus Brine*, Euston-road, St. Pancras, and Canal-road, Caledonian-road, Middlesex, marble merchant.—*James Ford* and *Edward Young*, North Portman-mews, Portman-square, and York-street, St. Marylebone, Middlesex, cabinet manufacturers.—*Abraham Hammond* and *John Nevard*, Lee, Kent, builders.—*Henry Biggs*, Markyate-street, Hertfordshire, grocer.—*J. Wedd Martin*, Yalding, Kent, farmer.—*Maria Coward*, Church Coniston, Lancashire, grocer.—*Thomas Bennett* and *Edward Williams*, Tipton, Staffordshire, ironmasters.—*John Martin*, Sedgley, Staffordshire, innkeeper.—*Samuel Howard Coombs*, Oswestry, Shropshire, shoemaker.—*George Russell*, Leamington Priors, Warwickshire, hotel keeper.—*Thomas Townson*, Leamington Priors, Warwickshire, chemist.—*George Croxother Ryland*, Birmingham, coal merchant.

#### SCOTCH SEQUESTRATIONS.

*Thomas Stormonth & Co.*, Edinburgh, plumbers.—*Wm. Balston*, Glasgow, house factor.—*Erskine Finlay*, Leith, baker.—*J. Burgess Cruickshank*, Struthers, Kinloss, farmer.—*James Rogers*, Edinburgh, ironmonger.—*David Waters*, Lybster, Caithness-shire, hotel keeper.

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THE JURIST.

LONDON, MARCH 2, 1861.

LORD CHELMSFORD has opened a fresh campaign against grand juries in the metropolitan district. We have on former occasions (see 6 Jur., N. S., part 2, pp. 359, 367) alluded to the efforts made by him and others on this subject; and particularly to the bill introduced by him into the House of Lords last session, which passed that House, but from the pressure of business, or some other cause, seems to have been unsuccessful in the House of Commons. A precisely similar bill has now been brought by him into the House of Lords, where, young as the session is, it has already been passed, and has been sent down to the House of Commons, its progress in which we shall anxiously watch.

The object of the bill is stated to be, "to make better provision concerning the procedure against persons charged with indictable offences within the metropolitan district." It would hardly be imagined that the design of a bill with such an unpretending title, and unprefaced by any preamble, was to abolish, in the great majority of cases, an institution which is coeval with our constitution;—to introduce into our law a principle and practice hitherto unknown, namely, the allowing persons to be put on their trial for felonies, either capital or otherwise, on the mere finding of a justice of the peace, nominated, paid by, and removeable at the pleasure of the Executive; and to deprive the subject of all power of prosecuting for

offences without first bringing a charge before one of those functionaries.

The institution of the grand jury rests on three principles—first, that no man ought to be subjected to the odium, inconvenience, and danger of a public trial for any serious offence by the mere action of the officers of the Crown, or of any tribunal appointed by it—a salutary guard to the liberty of the subject; secondly, that every subject has a right to bring a criminal to justice, whether the so doing be agreeable or otherwise to the Executive; thirdly, the placing in the hands of a number of persons, taken from the upper classes among the people, a right, by presentment, of their own knowledge, to bring to the notice of the Executive and of society the existence of any evils or abuses within the district where they reside, even though neither the Executive nor an individual has founded, or perhaps could legally found, proceedings upon them. It is true, that in the present day a school of law reformers has sprung up which contends strongly for the abolition of the entire system. The constitutional functions of the grand jury these persons do not appear to have considered, for they never make allusion to them, and confine their attention chiefly to the following points:—That the secrecy of the tribunal renders it irresponsible; that it furnishes facilities for fraud and oppression, by giving opportunity to a wicked person to go before a secret tribunal, and, without notice to the party accused, to get a bill of indictment found against him, which, whether true or false, may be used as an engine of extortion—further proceedings being abandoned if the prosecutor can be bribed—so that justice is de-

feated if the defendant is guilty, and an infamous wrong is inflicted upon him if he is innocent. In answer to the first of these arguments, it is to be observed that the secrecy of the tribunal is one of its advantages, in many cases at least; and the proposal to abolish it on this account amounts to saying, that in no case ought proceedings to be taken to bring a criminal to justice without first giving him notice of that intention, and consequently an opportunity to escape condemnation by flight. And although the second argument has considerable foundation in fact, the remedy for the evil consists, not in abolishing the grand jury, but in taking security from persons preferring bills before them to go on with the prosecution if the bills are found. This course has already been adopted with complete success in criminal informations in the Queen's Bench, by stat. 4 & 5 Will. & M. c. 18; and in the case of indictments for various species of offences by the Vexatious Indictments Act, 22 & 23 Vict. c. 17.

The present bill, however, it will be said, does not propose to abolish grand juries in general, but is confined exclusively to the metropolitan district, and for many purposes retain them even there. These considerations would have more force if the advocates of the present and similar bills did not use arguments in their support which, if they have any weight at all, are available against grand juries in any shape or in any place; and refrained from indulgence in general condemnation and abuse of the system. But, apart from this, we must observe, that, so far as the constitutional functions of the grand jury are concerned, it is impossible to take a distinction between metropolitan and provincial districts. However excellent the metropolitan police magistrates may be, still they are the servants of the Crown, and as such *not* the proper persons to decide a question which the constitution has wisely entrusted to the people. Nay, more, the entrusting such a power to them would be sure in time to work their deterioration, by holding out a temptation to the Executive to appoint to those offices persons in whom the sense of justice and of constitutional freedom are not strong.

The following are the principal provisions of Lord Chelmsford's new bill. The 1st and 2nd sections provide, that no charge shall be preferred or tried without previous investigation before a justice of the peace; and that when a person shall be committed or detained to take his trial, or bound by recognisance to appear and take his trial, no indictment shall be preferred, but the officer of the court shall file an information charging him with the offence, and he shall be tried thereon. Now, one of the great securities to the peace of society which the existing law affords is, that the man who commits an offence never can tell from what quarter he may be attacked respecting it, seeing that it is in the power of *any person* to prefer a bill of indictment against him for it. The section we have just recited puts an end to one part of this; but the 4th section reserves the right to the *prosecutor*, if dissatisfied with the decision of the justice of the peace in dismissing the charge, to prefer an indictment against the party charged: thus placing the prosecu-

tor in the odious and difficult position of pressing a charge that has been rejected by a magistrate—a topic sure to be urged to a tribunal with most mischievous effect by the accused and his counsel. And in order to place as many obstacles as possible in the way of the permission thus reserved, the prosecutor must “give notice in writing of his intention to prefer the indictment, and of the court at which such indictment is to be preferred, to the justice or justices within a month, &c., and such indictment shall not be preferred except at the court mentioned in such notice.” So that, if the prosecutor and the justice agree to hush up the charge, no other person (unless, perhaps, the Attorney-General) could interfere, and the criminal might laugh at justice at his pleasure. And a further difficulty is imposed by the 6th section, which enacts that the grand jury is to be summoned only three times a year at the Central Criminal Court, and four times a year at the sessions of the peace.

The subsequent sections of this bill except a number of cases from the provisions of its earlier ones, and those exceptions are of a character which appear to us condemnatory of the principle of the bill. The fact that the grand jury is a constitutional protection to the subject leaks out in spite of all attempts to ignore it. Thus, sect. 8 enacts, “Nothing in this act shall apply to any charge of treason or misprision of treason, or of any other offence against her Majesty, the State, or the Government, nor to any charge of any nuisance to any highway, bridge, or river, or of any nuisance affecting the safety or health of her Majesty's subjects, &c.” The first clause of this sentence is evidently framed on the assumption, that if an offence is one against the Queen, the State, or Government, that fact must appear on the face of the proceedings in the first instance, and can neither lurk under a charge of an offence apparently of a different character, nor be developed in the course of the proceedings. And it is not easy to see why, if a justice of the peace can safely be entrusted to put men on their trial for felonies, including even murder, he cannot be entrusted to put them on their trial for “nuisance to any highway, bridge, or river, or nuisance affecting the safety or health of her Majesty's subjects.” The 9th and 10th sections further exempt from the operation of the proposed act trials on corners' inquisitions, and on indictments removed to the Central Criminal Court by the order of the Queen's Bench, under the 19 & 20 Vict. c. 16; also informations filed in the Queen's Bench, *ex officio* or otherwise; or indictments directed by any court, judge, or judicial functionary having authority to direct them.

In dealing with this bill the House of Commons will have to determine the question whether the arguments which have been urged of late years against the grand jury system, nominally as it exists in the metropolis, but in reality against it altogether, are or are not well founded. That there is ample room for reform in the metropolitan grand jury system, especially in the persons summoned to serve upon those juries, we are fully persuaded; and we are also inclined to think that the salutary provisions of the Vexatious Indictments Act, 22 & 23 Vict. c. 17, might be considerably, if not indefinitely, extended. But the abolition of the grand jury

system, or a step towards its abolition, which, not only from its contents, but from the language employed and principles avowed by its supporters, we collect plainly to be the object of this bill, is a very different matter. If, on full examination of the subject, the Legislature in its wisdom decrees the total or partial abolition of that system, well; but the question ought to be fully discussed, in some way directly and distinctly raising it, and not on a bill modestly professing to make better provision concerning *procedure*, but in reality intended to be the first step towards putting an end to an ancient and valuable institution.

### Correspondence.

#### TRUST INVESTMENTS.

TO THE EDITOR OF "THE JURIST."

SIR,—Your correspondent "J. C." of last week points out that an investment of trust funds in the *old East India Stock*, under the recent acts and Order in Chancery, would have the unjust effect of benefiting the tenant for life at the expense of those in remainder; and he raises the question, whether the act of last session (23 & 24 Vict. c. 38, s. 11) would afford an indemnity to a trustee so investing.

But surely the condition required by the act of 1859 (22 & 23 Vict. c. 35, s. 32), that "such investment shall in other respects be reasonable and proper," is little more than would be implied, if not expressed; and the act of 1860, moreover, is clearly not intended to repeal this qualification in the previous enactment, since in the very next section (sect. 12) it expressly recognises and confirms that enactment, by declaring that it shall operate retrospectively, whatever that means.

Be this as it may, however, the case of *The Colne Valley and Halstead Railway Bill* (29 L. J., Ch., 33), in which Sir W. P. Wood, V. C., and afterwards the full Court of Appeal, refused to sanction an investment in the *new East India Stock* under the act of 1859, seems to amount to an authority in favour of the legality of such an investment as that now in question, even under that act, and even in spite of the unjust result alluded to by your correspondent, which, or something similar to which, was apparently present to the mind of the court, or at least to that of the Lord Chancellor, who says (p. 37)—"I concur with Lord St. Leonards in thinking that the clause" (sect. 32 of the act of 1859) "is in direct opposition to the principle of law which governs the relative rights of tenants for life and reversioners, and that it would lead to jobbing with trust funds." And again, "The court cannot look to whether it is a just enactment or not."

According to this case, although the court, if asked, might refuse to give its sanction to an investment in the *old East India Stock*, it would not be a *breach of trust*. But might it not be the duty of the trustee to retain a sufficient portion of the income to preserve the capital unimpaired?

The questions which arise as to *East India Stock* are some only of many questions to which the recent legislation as to trust investments is likely to give rise, and upon which judicial or legislative interpretation is called for.

It may not be superfluous to remark that there is a third enactment of recent date upon the same subject of trust investments, which must be construed together with those above mentioned, viz. the *Trustees and Mortgagees Act of 1860* (23 & 24 Vict. c. 145, ss. 25, 32, 33, 34).

I am, Sir, your obedient servant,

J. K.

Feb. 21, 1861.

#### ASSIGNMENT TO ONESELF AND OTHERS— 22 & 23 VICT. c. 35, s. 21.

TO THE EDITOR OF "THE JURIST."

SIR,—The above section, in terms, gives power to one person only to assign personality to himself and others. An objection has been raised, that it does not enable two or more to assign to themselves and others. Do you think there is anything in the objection?

Yours &c.,

Feb. 26, 1861.

LINCOLN'S INN.

["Lincoln's Inn" cannot, we think, see much in this objection. A. and B. wish to assign to A., B., and C. The difficulty before Lord St. Leonards' Act was, that A. could not assign to A., and B. could not assign to B.; there was no doubt that A. could assign to B., and B. to A. The difficulty has been completely removed by the enactment, that any person shall have power to assign directly to himself and another person or persons, and this without the aid of the 13 & 14 Vict. c. 21, s. 4, which makes words importing the singular include the plural. We may observe that the word "corporation" has been inserted in the 21st section of Lord St. Leonards' Act in a very odd manner—"directly to himself and another person or other persons or corporation."]

#### Rebbling.

*The Law in relation to the Legal Liabilities of Engineers, Architects, Contractors, and Builders, including the Law of Contracts, Arbitration, Masters and Workmen, and Combinations or Strikes.* By W. CUNNINGHAM GLEN, of the Middle Temple, Barrister-at-Law. 8vo., pp. 148.

WE are told in the Preface that "the object of this work is to place before the professions to which it is addressed the legal liabilities that members of these professions incur in their various relations as employed and employers. It is not, therefore, one which is exclusively intended for the legal practitioner in the actual practice of the law, but has more especial reference to the rocks and shoals by which those so engaged are surrounded in the daily transaction of their business, and it seeks to be a guide to them in the several legal liabilities arising in the practice of their professions." There can be but one plan for a book of this nature. It is impossible to make it either a primer or a text-book for the legal student or practitioner. Everything must be told which an unprofessional person can usefully know, either as a guide for action or a warning to consult his legal adviser. Anything beyond this would merely distract or puzzle the reader; and the arrangement must be the clearest and the exposition the briefest possible. Lord St. Leonards' Handy Book is a tolerably fair example of what such a work ought to be, as most of the Handy Books that its success has called forth are of the contrary. Lord St. Leonards wrote from the fulness of knowledge and experience; and it is obvious that unless a writer has great knowledge and experience he cannot be familiar with the rocks and shoals of which Mr. Glen speaks. It is not in Pinnock, nor even in Malte-Brun, that our pilots learn the intricacies of the channels. We do not find in this work traces of the knowledge and experience which would be necessary to enable the author to redeem in a creditable manner the promise with which he sets out; and we doubt whether he has even endeavoured to do his best. There is no indication of judgment or care in the selection, arrangement, or setting forth of his materials. This is the arrangement:—

I. Contracts.—1. Generally.—2. By letters or correspondence.—3. How construed.—4. Stamps.—5. Con-

ditions precedent.—6. Covenants.—7. Breaches of contract.

II. Contracts with corporations.

III. Extra works.

IV. Party walls and injuries to buildings.

V. Arbitrations.

VI. The relation of architects and surveyors to employers.

VII. Liability of contractors for damage.

VIII. Liability of masters for injuries to servants and others.

IX. Differences between masters and workmen.

X. Combinations of masters and workmen, strikes, &c.

XI. The Truck system.

But little is to be expected from a writer who separates the consideration of conditions precedent from that of the construction of contracts by a digression on stamps, and who, in addressing unprofessional readers, devotes a distinct division to covenants. The subject-matter of the first chapter is thus defined—"A contract or agreement is composed of two parts, imposing reciprocal obligations upon each of the parties to it, in order to compel each to perform his part of the agreement; and it imports two considerations; that is to say, the performance of the agreement on either side is the consideration for the performance of the agreement on the other side. These may be stated as the general nature and constituent elements of a contract." Starting with this definition at the commencement of the first chapter, let us see how the writer gets over the ground. First, we have a paragraph on fraud; then a dictum by Lord St. Leonards in *Ridgway v. Wharton* (4 Jur., N. S., 173), to the effect, that if a man agrees to be bound by written terms, and to sign the agreement, he is bound though he does not sign. And then comes the following paragraph:—"A tender of a specification of contract for scavenging docks, which concluded with an engagement to execute a contract on the preceding conditions within fourteen days, was held not to bind the person tendering to produce the contract for execution, as it would be the duty of the party to whom the tender was made to perform the contract; and in the same case it was held, that a contract for scavenging the docks was not within any of the exceptions to the general rule, that a corporation aggregate can only be bound by contract under seal (as to which, see post). *The London Dock Company v. Sinnott* (8 El. & Bl. 347)." We need scarcely say that the sole point decided in *The London Dock Company v. Sinnott* was, that as the company was not bound, the other party was not bound. The section concludes with a recommendation to the parties concerned to take legal advice if they can afford it, and to understand what their contracts contain; and these are the whole contents of the section on "contracts generally." The next section, on contracts by letters, occupies one page, and contains one passage which is contradictory—"In every contract there must be mutuality, otherwise specific performance will not be decreed; and if it be signed by one party only, it will be good to charge him within the Statute of Frauds;" and another which is unintelligible—"Letters, however, may not, in themselves, constitute a complete contract; therefore, when a letter, signed by both parties, specifying the prices to be charged for some work to be done, it was held not to be a complete contract, and that parol evidence was admissible of a contemporaneous agreement as to the period of payment." The next section, "How construed," contains ten lines, and informs us that contracts are to be construed according to the apparent meaning, subject to the special interpretation of words by reference to the custom of a place or a trade. The

next chapter, on stamps, does not state when stamps are necessary, and to what amount; but it tells us, that "if an agreement cannot be read in evidence for want of a stamp, the party seeking to enforce it cannot recover the value of the work and labour to which the agreement refers, although the other party to it may have had the benefit of such work and labour, without explaining, that if the plaintiff does not himself propound the unstamped instrument, its existence cannot be used to defeat his claim on a quantum meruit." And *Vincent v. Cole* (3 Car. & P. 481) is cited to shew that the court cannot look at an unstamped contract to ascertain whether certain works are included in it or not, without any expression of doubt as to the soundness of that decision.

Under the head "Breach of contract," *Humphries v. Jones* (5 Exch. 952) is cited to teach builders and others how to frame a declaration in assumpsit under certain circumstances; and breaches of contract are further illustrated by the statement, that "if a license be obtained to dig a quarry stone on the ground of another person, specific performance of the license will be compelled by the court; for it is immaterial whether in form an agreement to dig stone be a license or a lease, so far as its construction by a court of equity is concerned."

Although the whole subject of contracts, other than contracts with corporations, is disposed of in nineteen pages, through which we search in vain for any suggestion that certain contracts must be in writing, we have ten pages devoted to a tedious statement at great length of cases relating to contracts with corporations, more than two pages being taken up with *Lamprell v. The Guardians of the Billericay Union* (3 Exch. 283), the result of which might have been stated in four lines. But if this is excusable, the filling of twenty-two pages with a reprint of the arbitration clauses in the Companies Clauses, Lands Clauses, and Railways Clauses Acts is not; for those provisions have no relation to the subject-matter of the book.

On the whole, we consider that this book is not creditable to the author, and cannot be profitable to those who have the misfortune to purchase it. In striking contrast with this and similar catchpenny publications is a little book by Mr. D. Gibbons, "The Law of Contract for Works and Services," published in 1849, in Weale's Rudimentary Series—the work of an able and experienced lawyer, arranged and written with clearness and precision, and well adapted to the wants of the class for whom it was intended.

*A Manual of Equity Jurisprudence, founded on Story's Commentaries and Spence's Equitable Jurisdiction, and comprising in a small Compass the Points of Equity usually occurring in Chancery and Conveyancing, and in the General Practice of a Solicitor. By JOSIAH W. SMITH, B.C.L., Barrister-at-Law. Sixth Edition. Price 12s. cloth.*

When a law book reaches a sixth edition we may fairly assume that it is useful to a large class of readers, and that it fills up a vacant space in legal literature. We may safely say that each edition of the *Manual of Equity Jurisprudence* has been a decided improvement upon its predecessor, and that the present edition (the sixth) is worthy of the reputation of its learned author, Mr. Josiah W. Smith, who, in addition to his other legal works, has lately conferred upon the Profession and public a most important boon by his labours as one of the consolidators of the Orders of the Court of Chancery, and who has also, we are glad to observe, been most deservedly raised to the rank of one of her Majesty's counsel.

Students will find in this book a succinct yet com-

prehensive view of the leading principles of equity jurisprudence; and it will be found particularly useful to practitioners, as containing within a small space a large body of points and principles constantly arising, or requiring application in actual business.

We may add, that the utility of this Manual has been much increased by references to all the new cases of any importance, and by an enlarged and copious index.

### BOOK RECEIVED.

A Handy Book for Executors and Administrators. By Thomas Sirrell Pritchard, M. A., of the Inner Temple, Barrister-at-Law.—Amer, 1861.

### RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

(Continued from p. 79).

#### *Writ of Inquiry in respect of Profits or unliquidated Damages.*

92. When the claim of the Crown is in respect of profits or unliquidated damages, and the Crown is entitled to sign judgment by default, either for non-appearance or otherwise, the judgment (except as hereinafter mentioned) shall be interlocutory, and thereupon a writ of inquiry in Form 13, Schedule (A.), may issue to assess the profits or damages as on the common-law side of the court, and ten days' notice of the inquiry shall be given to the defendant's attorney, if he has appeared by attorney, or to the defendant if otherwise; but final judgment shall not be signed until four days after the writ of inquiry and inquisition has been filed, if the return of the writ is past; if not, four days after such return shall have taken place; provided that in such cases where the Crown elects to apply to the court to impose a fine the judgment may be final, as heretofore.

#### *Writ of Execution.*

93. Upon any judgment in intrusion for the removal of persons intruding on the Queen's possession of lands or premises, and for costs, there may be either one writ or separate writs of execution for such removal, and for the costs, at the election of the Attorney-General, and the form of the writ or writs for such purposes may be in Form 10, in Schedule (A.), hereto annexed.

94. No writ of execution shall be issued until judgment has been signed.

95. Every writ of execution for the recovery of any debt, penalty, or sum of money shall be indorsed with a direction to the sheriff, or other officer or person to whom the writ is directed, to levy only the money really due and payable, and sought to be recovered under the judgment.

96. After judgment for the Crown upon any claim, a writ of execution may issue for the costs, in addition to the writ applicable to the property relating to such claim.

#### *Proceedings in Error.*

97. Either party alleging error in law may deliver to the Queen's Remembrancer a memorandum in writing, in the form contained in the Schedule (C.) to these rules annexed, Form 6, or to the like effect, intitled "In the Exchequer and Suit," and signed by the party or his attorney, alleging that there is error in law in the record and proceedings; whereupon the Queen's Remembrancer shall file such memorandum, and deliver to the party lodging the same a note of

the receipt thereof; and a copy of such note, together with a statement of the grounds of error intended to be argued, may be served on the solicitor of the department or attorney in the cause, as the case may be. Proceedings in error in law shall be deemed a super-seas of execution from the time of the service of the copy of such note, together with the statement of the grounds of error intended to be argued, until default in putting in bail or an affirmance of the judgment, or discontinuance of the proceedings in error, or until the proceedings in error shall be otherwise disposed of without a reversal of the judgment: provided always, that if the grounds of error shall appear to be frivolous, the court or a judge, upon summons, may order execution to issue.

98. Upon any judgment hereafter to be given for the Crown on the revenue side of the court in any suit, including intrusion, except on special verdict, special case, or bill of exceptions, execution shall not be stayed or delayed by proceedings in error or super-seas thereupon, without the special order of the court or a judge, or consent of the Attorney-General, unless the person in whose name such proceedings in error be brought be bound with two, or, by leave of the court or a judge, more than two, sufficient sureties, shall, within four clear days after lodging the memorandum alleging error, or after the signing of the judgment, whichever shall last happen, or before execution executed, be bound unto her Majesty, her heirs or successors, by recognisance of bail, to be acknowledged in this court, in double the sum adjudged to be recovered by the said judgment (except in case of a penalty, and in case of a penalty, in double the sum really due, and double the costs, and in cases of intrusion, double the yearly value of the property, and double the costs recovered by the judgment), to prosecute the proceedings in error with effect, and also to satisfy and pay (if the said judgment be affirmed, or the proceedings in error be discontinued by the plaintiff therein) all and singular the sum or sums of money and costs adjudged or to be adjudged upon the former judgment, and all costs and damages to be also awarded for the delaying of execution: provided always, that the court or a judge may direct any other form of security to be given, and to such amount as may seem to the court or a judge sufficient, or may order money to be paid into court in such manner and to such amount as may be deemed sufficient.

99. The assignment of and joinder in error in law shall not be necessary or used, and instead thereof a suggestion, to the effect that error is alleged by the one party and denied by the other, may be entered on the judgment roll, in the form contained in Schedule (C.) to these rules annexed, Form 7, or to the like effect.

100. The roll shall be made up, and the suggestion last aforesaid entered by the plaintiff in error, within ten days after the service of the note of the receipt of the memorandum alleging error, or within such other time as the court or a judge may order; and, in default of such suggestion, the defendant in error shall be at liberty to sign judgment of non pros.

101. The several provisions contained in the 154th, 155th, 156th, and 157th sections of the Common-law Procedure Act, 1852, where applicable, shall extend and be applied in like cases on the revenue side of the court.

102. Either party alleging error in fact may deliver to the Queen's Remembrancer a memorandum in writing, in the form contained in Schedule (C.) to these rules annexed, Form 8, or to the like effect, intitled "In the Exchequer and Suit," and signed by the party or his attorney, alleging that there is error in fact in the proceedings, together with an affidavit

of the matter of fact in which the alleged error consists; whereupon the Queen's Remembrancer shall file such memorandum and affidavit, and deliver to the party lodging the same a note of the receipt thereof; and a copy of such note and affidavit may be served on the opposite party or his attorney; and such service shall have the same effect, and the same proceedings may be had thereafter, as heretofore had after the service of the rule for allowance of a writ of error in fact.

103. The several enactments and provisions contained in the Common-law Procedure Act, 1852, sects. 159 to 166, both inclusive, shall, so far as the same are applicable, extend and be applied to like proceedings in error on the revenue side of the court.

104. The sureties in cases of bail in error are to be approved of by the solicitor of the department, in like manner as on a *capias*; but if the bail piece cannot be completed in four days, as mentioned in rule 98, further time may be applied for to a judge.

105. After suggestion in error has been entered on the roll, either party may set the cause down with the Queen's Remembrancer four clear days before the day appointed for arguing errors from the Exchequer; and four clear days before such day of argument the plaintiff in error must deliver paper books to the judges of the Court of Queen's Bench, and the defendant in error must deliver paper books to the judges of the Court of Common Pleas. Whoever sets down the cause must give immediate notice to the other party that he has done so.

#### *Claims.*

106. All claims under extents, *diem clausit extremum*, indentures of appraisement, or transcript of writs and inquisitions, shall be entered on the respective records, and also in the claim book. If part only of property be claimed, the unclaimed part thereof may be dealt with in the same manner as if there had been no claim.

107. Claim may be entered at any time before process issued, or order obtained, for realising the property returned into court.

#### *New Trials.*

108. In every rule nisi for a new trial, or to enter a verdict or nonsuit, the grounds upon which such rule shall have been granted shall be shortly stated therein.

109. If a new trial be granted without any mention of costs in the rule, the costs of the first trial shall not be allowed to the successful party, though he succeed on the second.

#### *Pleading to Estreated Recognisances.*

110. When application is to be made to the court or a judge by any party seeking to be relieved from his estreated recognisance, the same may be made on petition to the court or a judge, or by motion founded on a constat of such estreat, to be obtained from the office, and supported by such affidavits as the party may deem necessary. A copy of the petition, or notice of the motion, must be served on the solicitor of the Treasury four days before the hearing of the same.

111. If a party to an estreated recognisance intends to plead thereto, he must obtain a constat of the recognisance at the office, and enter an appearance thereto, and plead to such estreat within fourteen days from the day of entering the appearance, and deliver such plea to the solicitor of the Treasury; and the proceedings may be carried on as in other cases.

#### *Execution on Estreats.*

112. In cases of process issuing for the recovery of any fines, issues, amerciaments, penalties, and recog-

nisances estreated, the writ to be first used may be as set out in Form 11, Schedule (A.); but the long writ heretofore in use may be issued, when necessary or required, as a second or subsequent writ.

#### *Rules to return Writs or bring in the Body.*

113. The rules numbered 130 to 134, both inclusive, of the General Rules of Hilary Term, 1852, as to returning writs or bringing in the body, &c., where applicable, shall extend to, be adapted and applied to, the revenue side of the court.

#### *Rules and Orders.*

114. The writ heretofore used calling upon a party to perform a rule or order shall not be necessary or used to bring such party into contempt; but the serving of a copy of the rule or order under the seal of the office, or the copy of an office copy of such rule or order, shall be sufficient to ground an application for an attachment or other writ, as the case may be.

115. No rule to appear, plead, deliver subsequent pleadings, claim, or for concilium or judgment, shall be necessary.

116. It shall not be necessary to the regular service of a rule or order that the original or office copy thereof should be shewn, unless sight thereof be demanded, except in cases of attachment.

117. Service of pleadings, notices, summonses, orders, rules, and other proceedings shall be made before seven o'clock P. M.; if made after that hour the service shall be deemed as made on the following day; but on Saturday the service must be made before two o'clock P. M., otherwise to be deemed as made on Monday.

#### *Affidavits.*

118. Every affidavit in any suit or proceeding on the revenue side of the court shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be allowed for any affidavit, or part of an affidavit, substantially departing from this rule.

119. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be made use of in court, or before the Queen's Remembrancer, unless by leave of the court or a judge.

120. No rule which the court has granted upon the foundation of any affidavit shall be of any force, unless such affidavit shall have been actually made before such rule was moved for, and produced in court at the time of making the motion.

121. All affidavits in revenue matters used before a judge out of court shall be filed with the Queen's Remembrancer, and such affidavits shall forthwith be delivered to the Queen's Remembrancer in order to be filed.

122. No party shall be required to take an office copy of his own affidavit, or be permitted to inspect or take an office copy of any affidavit for a *capias* to hold to bail, except by order of the court or a judge.

#### *Satisfaction Warrant and Nolle Prosequi.*

123. The form of the satisfaction warrant may be in Form 9, Schedule (C.), in the Schedule hereto annexed, or as near thereto as the case may admit of; the same shall be engrossed on parchment, and indorsed by the solicitor of the department from whence the proceedings emanated, afterwards signed by the Attorney-General, and then filed in the Queen's Remembrancer's Office. The *nolle prosequi* may be in Form 14, Schedule (C.); the same must be engrossed on parchment, and, after being signed by the

Attorney-General, filed in the Queen's Remembrancer's Office.

*Land Tax Act, 1 & 2 Vict. c. 58.*

124. In any application to the court under this act, where the Crown is not a party, the order is to be drawn up, and the proceedings are to take place, on the plea side of the court.

*Warrants of Nisi Prius and Tales.*

125. The record of Nisi Prius may be made up without any warrant of Nisi Prius being obtained, and tales may be prayed on behalf of the Crown without any warrant for that purpose.

*Letters-patent appointing Commissioners of Customs, and Writs of Assistance.*

126. Letters-patent appointing the Commissioners of Customs are to be inrolled in the Queen's Remembrancer's Office; but the writ of assistance is to be prepared and issued in the same manner as other writs.

*Writs of Summons for Recovery of Legacy or Successions Duty.*

127. A full præcipe of the names of all the parties in these cases shall be sufficient without leaving a full copy of the writ; such writ shall be in force six calendar months, but may be renewed by resealing as a subpoena ad respondendum.

[For form of writ see Schedule (A.), No. 12.]

*Special Cases from Magistrates or Quarter Sessions; also Special Cases under the Stamp Act.*

128. The above special cases are to be filed as at present, but not inrolled, unless the inrolment be necessary after giving judgment, when the same is to be prepared in the Queen's Remembrancer's Office.

*Writs of Levavi Facias against Defaulters and Collectors.*

129. When writs against either of the above parties are brought to the office to be sealed, there shall at the same time be filed the certificate of the receiving officer or other party, together with the affidavit and fiat for process to issue.

*Trials at Bar.*

130. Where any trial at bar is to take place, in addition to the respective pleadings being delivered between the parties, each party is to file a copy of his pleadings at the Queen's Remembrancer's Office for the purpose of being inrolled. The trial is to take place on the roll.

*Exemplification of Records.*

131. Any matter required to be exemplified shall be inrolled in the Queen's Remembrancer's Office, and the exemplification prepared therein, as at present.

*Payment of Money into Court, &c.*

132. The party wishing to pay money into court, either under act of Parliament or by order of court or a judge, must apply at the office of the Queen's Remembrancer for a "direction" to do so, which direction must be taken to the Bank of England, and the money there paid in. After payment, the receipt obtained from the Bank of England must be filed at the Queen's Remembrancer's Office.

133. If the money is to be invested, paid out, or otherwise disposed of, an order of the court or a judge must be obtained for that purpose, upon notice to the opposite party.

134. The orders relating to the above matters are to be drawn up in the Queen's Remembrancer's Office.

*Setting down Special Verdicts, Petitions, Demurrers, &c. for Argument before the Court.*

135. All special verdicts, special cases, demurrers, and petitions shall be set down for argument, at the Queen's Remembrancer's Office, four clear days before

the day on which the same are to be argued, and notice given forthwith to the other party.

136. Four clear days before the day of argument, two copies of the special verdict, special case, demurrer, or petition, with the points to be insisted on, are to be delivered, by the solicitor of the department or other attorney, to the Lord Chief Baron and senior baron of the court, and two other copies of such document are to be delivered, by the opposite party, to the barons next in seniority; and in default thereof by either party, the other party may, on the day following, deliver such copies as ought to have been so delivered by the party making default, and the court may make such order as to the hearing such argument, and as to costs or otherwise, as they may think fit.

137. When there shall be a demurrer to part only of the information (or pleading) or other subsequent pleadings, those parts only of the information (or pleading) and pleadings to which such demurrer relates shall be copied into the demurrer books.

*Miscellaneous.*

138. The Queen's Remembrancer's Offices shall be open in term time from eleven o'clock in the forenoon till four o'clock in the afternoon, and not in the evening; and in the vacation, from eleven o'clock in the forenoon till three o'clock in the afternoon; except between the 10th August and the 24th October, when they are to be open from eleven in the morning till two in the afternoon; and except on Good Friday, Easter Eve, Monday and Tuesday in Easter week, Christmas-day and the three following days, and such of the four following days as may not fall in the time of term, but not otherwise, viz. the Queen's birthday, the Queen's accession, Whit-Monday, and Whit-Tuesday, when the offices shall be closed.

139. On every appointment made by the Queen's Remembrancer, the party on whom the same shall be served shall attend, without waiting for a second appointment, or, in default thereof, the Queen's Remembrancer may proceed ex parte on the first appointment.

140. These rules, so far as the same may be applicable, shall be deemed and taken to extend to suits and proceedings at the instance of the Attorney-General of His Royal Highness the Prince of Wales or the Duke of Cornwall for the time being.

141. All writs shall conclude with the date of the day, month, and year, without any other concluding words.

142. Excepting where at variance with these rules, or otherwise directed by the court or a judge, the present course of practice shall be pursued.

143. These rules shall not be deemed to apply to suits in equity.

144. Writs into counties palatine may be directed to the sheriffs of those counties respectively.

145. Where any deed or other instrument is directed by statute to be inrolled in the Court of Exchequer, the same may be inrolled without obtaining a fiat for that purpose, and shall be inrolled of the day, month, and year when the same was delivered at the Queen's Remembrancer's Office, with such introductory words as may be necessary.

146. That the foregoing rules shall come into operation and take effect on Wednesday, the 24th October, A.D. 1860; and with respect to any matter or proceeding then pending, these rules may (so far as they are applicable to any step or proceeding to be thereafter taken) be adopted and applied accordingly.

FRED. POLLOCK.  
SAMUEL MARTIN.  
G. BRAMWELL.  
W. F. CHANNELL.  
JAMES WILDE.

June 22, 1860.



## SCHEDULES.

## FORMS OF WRITS, PROCEEDINGS, &amp;c.

The forms contained in the following schedules may be used in the cases to which they are applicable, with such alterations as the nature of the suit, the character of the parties, or the circumstances of the case may render necessary; but any variance therefrom, not being in matter of substance, shall not affect their validity or regularity.

## SCHEDULE (A.)

## FORM No. 1.

*Form of Subpœna.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to —, greeting.—We command and strictly enjoin you, that within fourteen days from the service of this writ, inclusive of the day of such service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster, to answer us concerning certain articles then and there on our behalf to be objected against you; and take notice, that in default of your so doing, we shall proceed thereon to judgment and execution.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

## [Indorsement.]

At the suit of her Majesty's Attorney-General [or as the case may be.]

## By information

This writ is issued against you by A. B., the solicitor of — [as the case may be],

## [if for penalties]

for the forfeiture by you of £— for penalties under the statutes relating to the revenue of customs [excise, stamps, taxes, &c., or as the case may be],

## [or if for duties or a debt]

for the recovery of £— for duties due from you under the statutes relating [&c. as before, or state shortly the nature of the debt.]

Take notice, that in default of your entering an appearance in our Court of Exchequer, according to the exigency of this writ, an information may be filed, and judgment signed thereon, and execution issued on such judgment, together with costs, at the expiration of fourteen days from the day of signing such judgment.

## FORM No. 2.

*Form of Subpœna for Intrusion for the Removal of Persons intruding.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to —, and to all persons entitled to defend the possession of the property described in the indorsement on this writ, greeting.—We command and strictly enjoin you, that within fourteen days from the service of this writ, inclusive of the day of such service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster, to answer us concerning certain articles then and there on our behalf to be objected against you, and to defend yourself from being removed from the property described in the indorsement on this writ; and take notice, that in default of your so doing, we shall proceed thereon to judgment and execution.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

## [Indorsement.]

At the suit of her Majesty's Attorney-General [or as the case may be.]

## By information

This writ is issued against you by A. B., the solicitor of — [as the case may be], for the recovery of certain lands, messuages, and premises situate in the parish of —, in the county of — [describing the property with reasonable certainty.]

Take notice, that in default of your entering an appearance in our Court of Exchequer, according to the exigency of this writ, an information may be filed, and judgment signed thereon, and execution issued on such judgment at the expi-

ration of fourteen days from the day of signing such judgment, and you will be turned out of possession.

## FORM No. 3.

*Form of Subpœna for Intrusion for Profits or for Damages.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to —, greeting.—We command and strictly enjoin you, that within fourteen days from the service of this writ, inclusive of the day of such service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster, to answer us concerning certain articles then and there on our behalf to be objected against you; and take notice, that in default of your so doing, we shall proceed thereon to judgment.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

## [Indorsement.]

At the suit of her Majesty's Attorney-General [or as the case may be.]

## By information

This writ is issued against you by A. B., the solicitor of — [as the case may be],

## [if for the recovery of profits]

for the recovery from you of the profits of certain lands, messuages, and premises, situate in the parish of —, in the county of — [describing the property with reasonable certainty],

## [or if for damages]

for certain entries, intrusions, and trespasses committed by you on certain lands, messuages, and premises, situate in the parish of —, in the county of — [describing the property as before], [or as the case may be.]

Take notice, that in default of your entering an appearance in our Court of Exchequer, according to the exigency of this writ, an information may be filed and judgment signed thereon.

## (To be continued).

The Queen has been pleased, by letters-patent under the Great Seal of the United Kingdom, to give and grant to George Hayes, serjeant-at-law, place and precedence at the Bar next after Archibald John Stephens, Esq., one of her Majesty's counsel learned in the law.

The Queen has been pleased, by several letters-patent under the Great Seal of the United Kingdom, to constitute and appoint the following gentlemen to be of her counsel learned in the law, viz. William Dugmore, Esq., of Lincoln's-inn; William Anthony Collins, Esq., of Lincoln's-inn; Anthony Cleasby, Esq., of the Inner Temple; Henry Warwick Cole, Esq., of the Inner Temple; John Fraser Macqueen, Esq., of Lincoln's-inn; Thomas Chambers, Esq., of the Middle Temple; Edwin Plumer Price, Esq., of the Inner Temple; Josiah William Smith, Esq., of Lincoln's-inn; Richard Baggallay, Esq., of Lincoln's-inn; Henry Mills, Esq., of the Middle Temple; the Hon. Adolphus Frederick Octavius Liddell, of the Inner Temple; William Baliol Brett, Esq., of Lincoln's-inn; John Burgess Karalake, Esq., of the Middle Temple; William Digby Seymour, Esq., of the Middle Temple; John Duke Coleridge, Esq., of the Middle Temple; the Hon. George Denman, of Lincoln's-inn; and George Melish, Esq., of the Inner Temple.

Thomas Wheeler, LL.D., of the Middle Temple, has been called to the degree of serjeant-at-law, by writ under the Great Seal of the United Kingdom.

The Lord Chancellor has appointed John Forster, Esq., barrister-at-law, late secretary to the commission, to be a Commissioner in Lunacy, on the resignation of Bryan Waller Procter, Esq.

J. O. Secker, Esq., magistrate of Marylebone Police Court, died on the 20th ult.

**Turiff, druggist.**—*James Gordon*, deceased, Inverness, general merchant.—*Robt. Watson*, Campsie, tinsmith.—*Andrew Paton*, Kilmanning, merchant.—*John Phillips*, Girvan, provision merchant.

**TUESDAY, Feb. 26.**

#### BANKRUPTS.

**WILLIAM DAVID SIMPSON**, late of Crayford, Kent, brick-maker (now a prisoner for debt in the Queen's Prison, Southwark, Surrey), March 8 at half-past 12, and April 11 at 1, London: Off. Ass. Whitmore; Sol. Brutton, 27, Basinghall-street.—Pet. f. Feb. 18.

**EDWIN BOTTING**, Brighton, Sussex, grocer, March 13 at 1, and April 10 at 12, London: Off. Ass. Stansfeld; Sol. Smith, 13, Lawrence-lane, London.—Pet. f. Feb. 20.

**JOHN BLUNSON HUTT**, Cambridge, printseller, March 13 at half-past 1, and April 10 at 1, London: Off. Ass. Stansfeld; Sols. Whitehead & French, Cambridge; Tarrant, 2, Bond-court, Walbrook, London.—Pet. f. Feb. 25.

**WILLIAM TEALE BELLINGHAM**, Gresham-street, City, auctioneer (lately carrying on business with John Alwin Bowes, under the style or firm of Bowes & Bellingham, but now a prisoner for debt in the Queen's Prison, Surrey), March 8 and April 9 at 2, London: Off. Ass. Edwards; Sol. Morris, 11, Beaufort-buildings, Strand.—Pet. f. Feb. 22.

**THOMAS MOORE**, St. Alban's, Hertfordshire, licensed victualler, March 12 at half-past 2, and April 12 at 12, London: Off. Ass. Edwards; Sol. Angell, 23, King-street, Guildhall, London.—Pet. f. Feb. 22.

**JAMES CAREY**, Tunbridge Wells, Kent, shoemaker, March 8 and April 10 at 11, London: Off. Ass. Pennell; Sols. Andrew, Tunbridge Wells; Baynes, Carey-street, Lincoln's-inn, London.—Pet. f. Jan. 25.

**WILLIAM GRIFFIN**, Cradley Heath, Rowley Regis, Staffordshire, anchor maker, March 11 and April 8 at 11, Birmingham: Off. Ass. Whitmore; Sols. E. & H. Wright, Birmingham; Homer, Brierley-hill.—Pet. d. Feb. 21.

**JAMES WESTBURY**, Gloucester, innkeeper, March 11 and April 8 at 11, Bristol: Off. Ass. Acraman; Sols. Smallridge, Gloucester; Bevan & Co., Bristol.—Pet. f. Feb. 23.

**FRANCIS BROTHERTON**, Middlesborough, Yorkshire, innkeeper, March 11 and April 15 at 11, Leeds: Off. Ass. Hope; Sols. Simpson, Yarm; Carras & Cudworth, Leeds.—Pet. d. Feb. 25.

**JOSHUA BARNESLEY**, South Wingfield, Derbyshire, hay dealer, March 9 and April 13 at 10, Sheffield: Off. Ass. Brewin; Sols. Stone, Wirksworth; Smith & Burdekin, Sheffield.—Pet. d. and f. Feb. 18.

**JOHN SMITH WHITTAKER**, Great Grimsby, Lincolnshire, cooper, March 20 and April 10 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Toynbee, Lincoln.—Pet. d. Feb. 21.

**ISAAC FRENCH**, Manchester, cheese factor, March 12 and April 9 at 12, Manchester: Off. Ass. Hernaman; Sol. Leigh, Manchester.—Pet. f. Feb. 20.

#### MEETINGS.

*Edward Turnbull*, West Hartlepool, Durham, shipowner, March 13 at 12, Newcastle-upon-Tyne, pr. d.—*Christopher Hood* and *John Nizon*, Nuneaton, Warwickshire, elastic-web manufacturers, March 13 at 11, Birmingham, last ex. of *John Nizon*.—*Charles James Francis* and *Henry Freer*, Great St. Helena, City, wine merchants, March 6 at 11, London, aud. ac. sep. ests.—*Thomas Davis*, Chapel-street, St. George-the-Martyr, Middlesex, hotel keeper, March 8 at 12, London, aud. ac.—*Alfred Brooks*, Ludgate-street, City, optician, March 15 at 12, London, aud. ac.—*Joseph Agate*, Emsworth, Hampshire, grocer, March 15 at 11, London, aud. ac.—*Frederick Wilkins*, Gloucester-terrace, New-road, Whitechapel-road, Middlesex, egg merchant, March 12 at 1, London, aud. ac.—*Owen Hewitt*, Windsor, Berkshire, baker, March 15 at 1, London, aud. ac.—*William Hill Abram*, Fairfield, Lancashire, upholsterer, March 13 at 12, Manchester, aud. ac.—*Thomas Syers*, Liverpool, tailor, March 15 at 11, Liverpool, aud. ac.; March 22 at 11, div.—*Thomas Turner* and *Thomas Turner* the younger, Liverpool, cordwainers, March 19 at 11, Liverpool, aud. ac.—*Godfrey Morton* and *John Williams*, Portmadoc, Carnarvonshire, builders, March 19 at 11, Liverpool, aud. ac. joint est., and aud. ac. sep. est. of *Godfrey Morton*.—

*William James Welsh*, Nantwich, Cheshire, coachbuilder, March 19 at 11, Liverpool, aud. ac.; March 22 at 11, div.—*Wm. Dalgleish*, Liverpool, spirit merchant, March 19 at 11, Liverpool, aud. ac.—*James Beatty*, Longtown, Cumberland, draper, March 13 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Joseph Waterson* and *James Waterson*, Low Elswick, Newcastle-upon-Tyne, boiler builders, March 8 at 1, Newcastle-upon-Tyne, aud. ac.—*John Leng*, Bridlington Quay, Yorkshire, licensed victualler, March 20 at 12, Kingston-upon-Hull, aud. ac. and div.—*Andrew Wigdahl*, Lower Thames-street, City, insurance broker, March 19 at 1, London, div.—*Thomas J. Fenton*, Lime-street, City, and St. Mary-le-Strand-place, Old Kent-road, Surrey, wine merchant, March 19 at half-past 11, London, div.—*John Read*, Hart-street, Bloomsbury, Middlesex, licensed victualler, March 19 at 11, London, div.—*John Hart*, Crown-street, Finsbury, Middlesex, shoe manufacturer, March 21 at 12, London, div.—*Robert Durrant* and *George Brock*, Norwich, tallow chandlers, March 21 at half-past 11, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*James J. Clark*, Aldersgate-street, City, leather merchant, March 19 at 12, London.—*John George*, Pemberton-row, City, licensed victualler, March 19 at 1, London.—*Victor Faell*, Crutched Friars, City, and Alie-place, Goodman's-fields, Middlesex, shipbroker, March 21 at 1, London.—*E. Guest*, Blackfriars-road, Surrey, ironmonger, March 20 at 12, London.—*Henry Hollingdale*, Hadlow, Kent, hay dealer, March 20 at half-past 12, London.—*Lewis R. Poole* and *Samuel Bryan*, New Oxford-street, Middlesex, and Northampton, shoe manufacturers, March 20 at 2, London.—*David Wheldon*, Northampton, iron ore merchant, March 19 at 12, London.—*John Dempsey*, Hooley Hill, Audenshaw, Lancashire, grocer, April 11 at 12, Manchester.—*John Waugh Dawson*, Newcastle-under-Lyme, Staffordshire, cotton spinner, March 20 at 11, Birmingham.—*John Ward Clappison*, Kingston-upon-Hull, Yorkshire, jeweller, April 10 at 12, Kingston-upon-Hull.—*Henry William Larard*, Hull, Yorkshire, jeweller, April 10 at 12, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*Moses D. Stralitz*, Newgate-street, City, merchant.—*C. States*, Aldershot, Southampton, club-house keeper.—*Wm. Arnold*, Newchurch West, Monmouthshire, innkeeper.—*F. Tillet*, Banner-street, St. Luke's, Middlesex, spiral flambeaux manufacturer, and Wellington-road, Bethnal-green, timber merchant.—*John Walker*, Sunderland, Durham, grocer.—*John Wilson*, Sunderland, Durham, shoemaker.—*J. W. Crawford*, Lincoln, grocer.—*Edward Toynbee*, Lincoln, dealer in artificial manures.—*John Leng*, Bridlington Quay, Yorkshire, licensed victualler.—*G. Robson*, Handsworth, Staffordshire, saddler.—*John Brook*, Birmingham, electro plater.

#### PARTNERSHIPS DISSOLVED.

*Wm. W. Temple* and *Wm. Windsor*, Bloomfield-street, London, attorneys and solicitors.—*Robert T. Parker* and *Richard Parker*, Axbridge, Somersetshire, solicitors and attorneys.—*Henry Snowden* and *William H. Emmet*, Leeds, Yorkshire, attorneys and solicitors.

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The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed *John Leach*, Gent., of Martock, Somersetshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Somerset.

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## GAZETTES.—FRIDAY, March 1.

## BANKRUPTS.

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CARTER BODDINGTON, St. Martin's-lane, Westminster, Middlesex, worsted dealer, March 14 at 1, and April 12 at half-past 11, London: Off. Ass. Cannan; Sols. De Jersey & Micklem, 13A, Gresham-street West.—Pet. f. Feb. 26.

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BENJAMIN CAIL, late of Pavilion-place, Battersea, Surrey, cowkeeper, now of Maidenhead, Berkshire, land agent, March 11 at half-past 11, and April 15 at 11, London: Off. Ass. Pennell; Sol. Peckham, 40, Ludgate-street, London.—Pet. f. Feb. 25.

JOHN LOCK, Barnsbury-grove, Islington, Middlesex, builder, March 13 at 1, and April 15 at half-past 12, London: Off. Ass. Pennell; Sol. Paterson, 3, Winchester-buildings, London.—Pet. f. Nov. 16.

WILLIAM SMITH, Hanley, Stoke-upon-Trent, Staffordshire, mercer, March 15 and April 5 at 11, Birmingham: Off. Ass. Kinnear; Sols. Flint, Uttoxeter; James & Knight, Birmingham.—Pet. d. Feb. 26.

JOHN COPESTAKE, Derby, engineer, March 14 and April 4 at 11, Nottingham: Off. Ass. Harris; Sols. Middleton, Derby; Cox, Derby.—Pet. d. Feb. 23.

WILLIAM TOMMY LLOYD, Llangunindor, Breconshire, miller, March 12 and April 9 at 11, Bristol: Off. Ass. Miller; Sols. Greenway & Bytheway, Pontypool; Bevan & Co., Bristol.—Pet. f. Feb. 14.

ROBERT OXLEY, Chippenham, Wiltshire, maltster, March 11 and April 8 at 11, Bristol: Off. Ass. Miller; Sols. Wilson, Salisbury; Abbot & Co., Bristol.—Pet. f. Feb. 20.

GEORGE ROPER, Bincombe, Dorsetshire, builder, March 13 and April 11 at 12, Exeter: Off. Ass. Hirtzel; Sols. Tizard, Weymouth; Turner & Hirtzel, Exeter.—Pet. f. Feb. 28.

JAMES FELL, Liverpool, tea merchant, March 8 and April 5 at 11, Liverpool: Off. Ass. Turner; Sol. Pemberton, Liverpool.—Pet. f. Feb. 14.

ALFRED NIXON, Liverpool, merchant (trading at Liverpool with James Nixon the younger, of Melbourne, Victoria, Australia, under the style or firm of Alfred Nixon & Co.), March 11 at 12, and April 5 at 11, Liverpool: Off. Ass. Turner; Sol. Yates, jun., Liverpool.—Pet. f. Feb. 26.

JOSEPH BUXTON, Manchester, drysalter, March 19 and April 9 at 12, Manchester: Off. Ass. Fraser; Sols. Bellhouse & Bond, Manchester.—Pet. f. Feb. 21.

## MEETINGS.

*Frederick Leake*, Regent-street, and George-yard, St. Ann, Westminster, Middlesex, relievo leather manufacturer, March 14 at half-past 1, London, pr. d.—*Wm. Grove*, Kingland-road, Middlesex, licensed victualler, March 12 at 12, London, last ex.—*James Crook*, Winckworth-place, City-road, Middlesex, India rubber web manufacturer, March 12 at 11, London, aud. ac.—*Robert Durrant* and *George Brock*, Norwich, tallow chandlers, March 14 at 11, London, aud. ac.—*Thomas Harris* and *John Burla*, Hampstead-road, Middlesex, brewers, March 14 at 11, London, aud. ac. sep. est. of *Thos. Harris*.—*Henry Osmond*, Sturminster, Newton Castle, Dorsetshire, general dealer, March 13 at 2, London, aud. ac.—*James Watt*, Mark-lane, City, and King-street, Hackney-road, Middlesex, canvas merchant, March 13 at half-past 12, London, aud. ac.—*Giovanni Porpa*, St. James's-street, Westminster, Middlesex, tailor, March 13 at half-past 1, London, aud. ac.—*Hugh Mackay* and *Wm. B. Davies*, Liverpool, shipwrights, March 12 at 11, Liverpool, aud. ac. sep. est. of *Hugh Mackay*.—*James B. Herbert* and *Edmond Hindley*, Liverpool, coal factors, March 11 at 11, Liverpool, aud. ac. sep. est. of *Edmond Hindley*.—*Henry Lovatt* and *Wm. H. L. Cowan*, Liverpool, merchants, March 12 at 11, Liverpool,

aud. ac.—*Griffith Jones*, Newin, Carnarvonshire, grocer, March 12 at 11, Liverpool, aud. ac.—*John Johnson*, Liverpool, merchant, March 12 at 11, Liverpool, aud. ac.—*Edw. E. Hill*, Liverpool, merchant, March 11 at 11, Liverpool, aud. ac.—*Thomas H. Erwin*, Liverpool, stockbroker, March 12 at 11, Liverpool, aud. ac.—*Thomas Gilbertson*, Birkenhead, Cheshire, flour dealer, March 11 at 11, Liverpool, aud. ac.—*Samuel Highfield*, Bacche, Cheshire, gas manufacturer, March 11 at 11, Liverpool, aud. ac.—*Hugh Jones*, Chester, wholesale grocer, March 12 at 11, Liverpool, aud. ac.—*Wm. Herring*, Liverpool, confectioner, March 11 at 11, Liverpool, aud. ac.—*Chamney Leicester* and *John E. Littleboy*, Liverpool, corn merchants, March 12 at 11, Liverpool, aud. ac.—*John O. Mackinnon*, Liverpool, and Birkenhead, Cheshire, commission agent, March 13 at 11, Liverpool, aud. ac.—*Hector Melville*, Liverpool, cooper, March 12 at 11, Liverpool, aud. ac.—*James Shirt*, Frodsham, Cheshire, grocer, March 12 at 11, Liverpool, aud. ac.—*Thomas F. Raymond*, Liverpool, commission merchant, March 12 at 11, Liverpool, aud. ac.—*Owen Roberts*, Bangor, Carnarvonshire, draper, March 13 at 11, Liverpool, aud. ac.—*Robert D. Nuttall*, Liverpool, licensed victualler, March 13 at 11, Liverpool, aud. ac.—*Wm. H. Smith*, Birkenhead, Cheshire, hop merchant, March 13 at 11, Liverpool, aud. ac.—*Daniel Jones*, Wrexham, Denbighshire, coach builder, March 13 at 11, Liverpool, aud. ac.—*William Buxton*, Liverpool, butcher, March 15 at 11, Liverpool, aud. ac.—*John Reynolds*, Sedgley, Staffordshire, innkeeper, March 26 at 11, Birmingham, aud. ac.—*James Tonke*, Walsall, Staffordshire, currier, March 26 at 11, Birmingham, aud. ac.—*James Phillips*, Church Street, Shropshire, chemist, March 26 at 11, Birmingham, aud. ac.—*Jos. Tongue*, Rugby, Warwickshire, shoemaker, March 26 at 11, Birmingham, aud. ac.—*Thos. Wilkins* and *Joseph Wilkins*, Coventry, Warwickshire, builders, March 26 at 11, Birmingham, aud. ac.—*George Taylor*, West Bromwich, Staffordshire, timber merchant, March 26 at 11, Birmingham, aud. ac.—*William Nathaniel Evans* and *Robert Duncombe Evans*, Colyton, Devonshire, tanners, March 14 at 12, Exeter, aud. ac. joint and sep. ests.; March 27 at 11, div. joint est., and div. sep. est. of *Robert Duncombe Evans*.—*John James Rolls*, Cerne Abbas, Dorsetshire, grocer, March 14 at 11, Exeter, aud. ac.; March 27 at 11, div.—*Henry Parris*, Bridport, Dorsetshire, machine maker, March 14 at 12, Exeter, aud. ac.—*James Blackmore*, Wellington, Somersetshire, builder, March 14 at 12, Exeter, aud. ac.—*Henry C. Haylock*, Linton, Cambridgeshire, apothecary, March 7 at half-past 12, London, div.—*John B. Whitaker*, Little Britain, City, cardmaker, March 22 at 12, London, div.—*Miles Beale*, Gray-street, Poplar, Middlesex, brassfounder, March 23 at 1, London, div.—*Thomas Booker* the elder and *Thomas Booker* the younger, Mark-lane, City, merchants, March 23 at 12, London, div.—*Thomas Jones*, Northampton, victualler, March 23 at 1, London, div.—*J. M. F. Jaquemot*, New Broad-street, City, silk merchant, March 22 at 12, London, div.—*M. R. Syers*, James Walker, and *Daniel Backhouse Syers*, Ball-alley, Lombard-street, City, and Liverpool, March 25 at half-past 11, London, div.—*John Martin*, Sedgley, Staffordshire, innkeeper, March 26 at 11, Birmingham, div.—*George Mars*, Newcastle-under-Lyme, Staffordshire, miller, March 26 at 11, Birmingham, div.—*J. Ross*, Truro, Cornwall, draper, March 27 at 11, Exeter, div.—*J. Blackmore*, Wellington, Somersetshire, builder, March 27 at 11, Exeter, div.—*Thomas Palmer* and *Samuel Palmer*, Plymouth, drapers, March 25 at half-past 12, Plymouth, div.—*John Lord*, *Sidney Aquila Butterworth*, and *Horatio Butterworth*, Shelf, near Halifax, Yorkshire, dyers, March 23 at 11, Leeds, div.—*Edwin Dawson*, Sheffield, Yorkshire, music seller, March 23 at 10, Sheffield, div.—*John Boucher*, Blackwell, Derbyshire, dealer in timber, March 23 at 10, Sheffield, div.—*Thomas Gorrery*, Sheffield, Yorkshire, iron merchant, March 23 at 10, Sheffield, div.

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NOTICE.

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THE JURIST.

LONDON, MARCH 9, 1861.

A BILL has been brought into the House of Commons by Sir John Trelawny to effect an important alteration in the law of evidence, by abolishing the objection to the incompetency of witnesses on the ground of want of religious belief. The circumstances which immediately gave rise to it are the following:—At a recent trial before the judge of the county court at Rochdale (Mr. C. Temple), the plaintiff, who was a female, presented herself as a witness; but it appearing, by her own admission, that she was an Atheist, the court rejected her testimony, and she was nonsuited. Early in the present session of Parliament Sir J. Trelawny asked the Home Secretary if he was aware of that decision, and whether, assuming that the judge had ruled correctly according to the existing law, he intended to take steps to alter it. To this question the Home Secretary having replied that he deemed the

above decision to be in accordance with the existing law, but had no intention of proposing to alter it, Sir J. Trelawny introduced the present bill.

The actual law on this subject is, upon the whole, tolerably well defined. Any person who believes in a Supreme Being, the rewarder of truth and the avenger of falsehood, and can be sworn in any form which he deems binding on his conscience, is competent to be a witness, however erroneous his religious opinions may be in other respects. Whether for this purpose belief in a future state of reward and punishment is indispensable does not appear to be settled, and indeed we are not aware of any case where the point has been raised. And here it is essential to advert to a dogma entertained by certain sects of Christians—i. e. Quakers, Moravians, and Separatists—and by some individuals not members of those sects, who object to taking an oath on the ground that in their judgment, founded on controversial reasons into which we decline to enter, the doing so is prohibited in the New Testament. By various statutes members of the above-mentioned sects; and persons who have been members of the two first of them, but have seceded; are allowed by law, in all cases, both civil and criminal, to make solemn affirmation in place of oath; liable, however, to the penalties of perjury if their testimony proves untrue. Other persons who entertain similar conscientious objections have obtained a like indulgence in civil cases, by the Common-law Procedure Act, 1854 (17 & 18 Vict. c. 125, s. 20). Still the objection to competency on the ground of the want of religion remains in full force

as regards the Atheist; and it is impossible not to perceive that his case stands on a peculiar footing of its own. In the case of persons who deny Christianity, but believe in some other form of religion, however erroneous, the great principle that the world is governed by a Power superior to man remains inviolate, and nothing is left but to ascertain the form in which the oath or affirmation should be administered. But Atheism, from its very nature, is a negation of *all* religion, both natural and revealed, and a denial of the existence of any such ruling Power, thus destroying one of the most effective sanctions for the truth of human testimony. But its evils and absurdities are far from ending here. "They that deny a God," observes Lord Bacon (*Essay on "Atheism"*), "destroy man's nobility; for certainly man is of kin to the beasts by his body; and if he be not of kin to God by his spirit, he is a base and ignoble creature. It destroys likewise magnanimity, and the raising of human nature; for, take an example of a dog, and mark what a generosity and courage he will put on when he finds himself maintained by a man, who to him is instead of a God, or *melior natura*, which courage is manifestly such as that creature, without that confidence of a better nature than his own, could never attain. So man, when he resteth and assureth himself upon divine protection and favour, gathereth a force and faith which human nature in itself could not obtain. Therefore, as Atheism is in all respects hateful, so in this, that it depriveth human nature of the means to exalt itself above human frailty." And its consequences to society have been thus well depicted by an eminent modern writer, Dr. Channing (*"Importance of Religion to Society"*)—"Few men suspect, perhaps no man comprehends, the extent of the support given by religion to the virtues of ordinary life. . . . Once let men thoroughly believe that they are the work and sport of chance; that no superior intelligence concerns itself with human affairs; that all their improvements perish for ever at death; that the weak have no guardian, and the injured no avenger; that there is no recompense for sacrifices to uprightness and the public good; that *an oath is unheard in Heaven*; that secret crimes have no witness but the perpetrator; that human existence has no purpose, and human virtue no unfailing friend; that this brief life is everything to us, and death is total, everlasting extinction; once let men thoroughly abandon religion, and who can conceive or describe the extent of the desolation which would follow? We hope, perhaps, that human laws and natural sympathy would hold society together. As reasonably might we believe, that, were the sun quenched in the heavens, our torches could illuminate, and our fires quicken and fertilise, the earth. . . . Erase all thought and fear of God from a community, and selfishness and sensuality would absorb the whole man. . . . A sordid self-interest would supplant every other feeling, and man would become in fact, what the theory of Atheism declares him to be, a companion for brutes."

But however false, mischievous, and absurd Atheism is in itself, the question remains, whether it is a

proper ground for rejecting unheard the testimony of a witness. So long as lawgivers acted on the principle that the refusing to hear a man's testimony in a court of justice was a proper punishment for violations of the law of the land, or for holding heterodox opinions in religion, it was but a natural consequence of that principle that he who was destitute of all religious opinions must necessarily be rejected also, as being in a still worse condition. But that principle is now completely abandoned among us, and it is generally considered that the only proper ground for rejecting the testimony of a witness unheard is, that, for some reason or other, his testimony is likely to prove false, and mislead the tribunal. Now, although an Atheist is void of the powerful inducements to speak the truth which are supplied by the religious sanction, he is open to those supplied by the natural and political sanctions; and consequently it would seem that the objection to testimony founded on Atheism ought to be placed in the same category with those founded on infamy of character, interest in the event of the suit, and others; which, after having been for ages looked upon as objections to *competency*, are by the more enlightened judgment of modern times considered as objections to *credit*, to be estimated by the jury.

If, therefore, the object of Sir J. Trelawny's bill were to attain these ends, i. e. the extending to criminal cases the salutary provisions of the Common-law Procedure Act, 1854, sect. 20, relative to persons who entertain conscientious scruples against taking oaths in any shape; and the allowing Atheists to give their testimony, leaving their credit to be weighed by the jury; it would, we think, be an improvement in our jurisprudence. But the bill goes beyond this, and, if passed in its present form, will be productive of mischief, and lead to absurdity. It is intitled "A Bill to allow Affirmations or Declarations to be made instead of Oaths in certain Cases in Great Britain and Ireland;" and enacts, "If any person called as a witness in any court in Great Britain or Ireland, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, or shall express a desire to make an affirmation in lieu of an oath, it shall be lawful for the court or judge, or other presiding officer or person qualified to take affidavits or depositions, on being satisfied of the sincerity of such objection or of such desire, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following; *videlicet*, 'I, A. B., do solemnly, sincerely, and truly affirm and declare that an oath would not in my judgment oblige me more closely to speak what is true than my deliberate undertaking so to do; and I do solemnly, sincerely, and truly affirm and declare, &c.,' which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form, and shall in like manner infer the pains of perjury in case of falsehood."

The bill, therefore, provides one form of affirmation for two very different cases—first, "where the party refuses or is unwilling, from alleged conscientious motives, to be sworn;" and, secondly, "where the party



expresses a desire to make an affirmation in lieu of an oath." Now, the form is not suited to the first of these cases, and is very different from that given in the Common-law Procedure Act, 1854, sect. 20, which runs thus:—"I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly &c. affirm and declare &c." And, as applied to the second of these cases, the form is open to still graver objection. A man may "express a desire to make an affirmation in lieu of an oath" for many other reasons besides that of his being an Atheist. He may—and many instances occur of this—have a most profound, even a superstitious, veneration for an oath, and yet have a most perfect disregard of truth when speaking without oath. Such a person would not have the slightest scruple in falsely declaring that "an oath would not in his judgment oblige him more closely to speak what is true than his deliberate undertaking so to do;" and he would embrace, with only too much eagerness, the means of evading its obligation thus considerably placed by the Legislature within his reach—with what detriment to the administration of justice it is needless to point out.

### Reviews.

*A Handy Book of Patent and Copyright Law, English and Foreign, for the Use of Inventors, Patentees, Authors, and Publishers; comprising the Law and Practice of Patents, the Law of Copyright of Designs, and the Law of Literary Copyright. By JAMES FRASER, Esq. Post 8vo., pp. 250. [Sampson Low.]*

THIS little work fulfils the promise of its title-page; it is intelligible, convenient, and, as far as it goes, accurate. The general rules affecting patents are given in fifty-eight short paragraphs, with a clearness and precision not to be found in some works of greater pretensions on the same subject; and a separate chapter is devoted to the practical details. This part of the work is of course intended exclusively for unprofessional readers. The author's advice to exclude details from the provisional specification, lest rivals about to specify should obtain a clue to the invention, is founded on a misapprehension, for the provisional specification is not published until the time for completely specifying has expired. The information on colonial and foreign patent laws seems to have been diligently collated from the most recent and trustworthy sources, and may be useful even to professional readers.

The chapter on copyright of useful and ornamental designs contains nothing more than the substance of the statutes and official regulations. In a future edition the author would do well to state briefly the result of the decisions which throw light on the scope and operation of the statutes.

The chapter on literary copyright in England also is a mere analysis of the statutes relating to the subject. The effect of the International Copyright Acts is shortly set forth, and the duration of copyright in continental states is stated. There is a chapter briefly epitomising the opinions of the judges in *Jeffreys v. Boosey*, which might have been spared, because they have left the law on the subject in great doubt and confusion; and a lay reader is not likely to gather from the contents of this chapter that the point, and the only point, decided in that case was, that an alien resident abroad does not acquire a copyright by first publishing his work here.

*Principles of Forensic Medicine. By WM. A. GUY, M. B., Cantab., Fellow of the Royal College of Physicians; Professor of Forensic Medicine, King's College, London; Physician to King's College Hospital; Medical Superintendent of Millbank Prison, &c. Second Edition. With numerous Illustrations on Wood. Post 8vo., pp. 558. [Renshaw.]*

WRITTEN in a concise style, and printed in a small type, this volume contains in little bulk a vast amount of information on every subject connected with forensic medicine—an expression more accurate than that which has been adopted into common use from the title of the first English book on the subject—Dr. Farr's *Elements of Medical Jurisprudence*. Dr. Guy's professional reputation is a better guarantee of the scientific merits of this work than any certificate of ours can be; but, as amateurs, we may say that the author appears to have taken the greatest care to embody in it the most recent discoveries in medical and chemical science. Such a work is of almost equal use to the medical witness and to the lawyer. The former will find collected in it that information which ought, indeed, to have been presented to him in the course of his studies, but which, not being of daily use in his profession, may have left an incomplete or faint impression on his mind; while the latter will learn from it what is within and what is beyond the scope of medical evidence, how to shape his questions, and often how to check and expose the testimony of an incompetent or dishonest witness.

An introductory chapter on medical evidence contains a fair summary of the rules of evidence, with general cautions and suggestions for the guidance of the medical witness. As supplementary to these general precepts, more particular "directions for medico-legal examination" are given, in connexion with the special subject-matter of each division of the work. The subject of unsoundness of mind is treated at great length, and with considerable ability and fairness. In common with most medical men, Dr. Guy condemns the wholesome test of criminal responsibility adopted by our law—the ability to distinguish between right and wrong; but he throws no new light on this question, resting his opinion merely on the assumption that no one should be accountable for the consequences of an uncontrollable impulse, forgetting that impulses, in the event uncontrolled, may have been controllable, and are not distinguishable on any sound principle from those of a similar character which are in fact controlled, while the object of criminal laws is "to compel men to control these uncontrollable impulses."

### COMMON LAW NOTICE.

Judges' Chambers, March 1, 1861.

THE following regulations for transacting business at these chambers will be strictly observed till further notice.

Acknowledgments of deeds taken at ten o'clock.

Original summonses only to be placed on the file.

Summonses adjourned by the judge will be heard at half-past ten o'clock precisely, according to their numbers on the adjournment file, and those not on that file previous to the numbers of the day being called will be placed at the bottom of the general file.

Summonses of the day will be called and numbered at a quarter to eleven o'clock, and heard consecutively.

The parties on two summonses only will be allowed in the judge's room at the same time.

Counsel at one o'clock. The names of the causes to be put on the counsel file, and the causes heard according to number.

Affidavits in support of *ex parte* applications for judges' orders (except those to hold to bail) to be left the day before the orders are to be applied for, except under special circumstances; such affidavits to be properly indorsed with the names of the parties and of the attorneys, and also with the nature of the application, and a reference to the statute under which any application is made, the party applying being prepared to produce the same.

All affidavits read or referred to before the judge must be indorsed and filed.

Further time to plead will not be given as a matter of course.

## RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

(Continued from p. 90).

### FORM No. 4.

#### *Form of Capias.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to the sheriff of the county of —, greeting.—We command you, that you do not omit, by reason of any liberty of your bailiwick, but enter the same, and take C. D., of —, by his body, wherever you find him in your bailiwick, and that you keep him safely and securely until he shall have given you ball\*, or until the said C. D. shall by other lawful means be discharged from your custody. And we do further command you, that, on execution hereof, you do deliver a copy of this writ to the said C. D. And we do hereby require the said C. D. to take notice, that within fourteen days after execution hereof on him, inclusive of the day of such execution, he shall cause an appearance to be entered for him in our Court of Exchequer at Westminster, to answer us touching certain articles to be exhibited against him before our said barons by our Attorney-General, and shall within the same time cause special bail to be put in for him to the said suit; and that, in default of so doing, such proceedings may be had and taken as are mentioned in the warning written or indorsed hereon. And we do further command you, that, immediately after the execution hereof, you do return this writ to our said Court of Exchequer, together with the manner in which you have executed the same, and the day of execution thereof, or if the same shall remain unexecuted, then that you do so return the same at the expiration of six calendar months from the date hereof, or sooner, if you shall be thereto required by order of the said court, or by any judge thereof.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

[Indorsement.]

This writ is issued against the said C. D. by A. B., the solicitor of — [as the case may be],

[if for penalties]

for the forfeiture by the said C. D. of £— for penalties under the statutes relating to the revenue of customs [excise, stamps, taxes, &c., or as the case may be],

[or if for duties or a debt]

for the recovery of £— for duties due from the said C. D. under the statutes relating [&c., as before, or state shortly the nature of the debt.]

#### *A Warning to the Defendant.*

If a defendant, having given bail on the arrest, shall omit to enter an appearance, and put in special bail, as within required, the Crown may proceed against the sheriff, or on the bail bond, and may file an information against you, and sign judgment thereon, and issue execution on such judgment, together with costs, at the expiration of fourteen days from the day of signing such judgment.

Bail for £—.

#### *Capias Detainer.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to

the — of —, greeting.—We command you, that you keep and detain the body of —, now a prisoner in our prison, under your custody, safely and securely until he shall have given you ball [as in preceding form, from the asterisk\*].

### FORM No. 5.

#### *Form of Scire Facias on Bond to the Queen.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to A. B., of —, in the county of —, greeting.—Whereas you, the said A. B., by bond or writing obligatory, sealed with your seal, made at Westminster, in the county of Middlesex, dated the — day of —, in the year of our Lord 18—, became bound to us in the sum of £— of lawful money of Great Britain, payable at a day past, which said sum of money you have not yet paid or caused to be paid to us, as we are informed; and we, being desirous to be satisfied the same with all the speed we can (as is just), do command you, that within fourteen days from the service of this writ, including the day of service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster; and take notice, that in default of your so doing, judgment will be signed against you forthwith, and execution issued at the expiration of fourteen days from the day of signing such judgment, for the said sum of £—, together with costs.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

Take notice, that if you appear in due time, according to the exigency of this writ, you are required to plead thereto in fourteen days from the date of such appearance, including the day of such appearance, and in default judgment may be signed and execution issued forthwith. The plea must be delivered to the solicitor of the department issuing out this writ.

### FORM No. 6.

#### *Form of Scire Facias on Bail Bond.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to A. B., of —, in the county of —, greeting.—Whereas you, the said A. B., by bond or writing obligatory, sealed with your seal, made at Westminster, in the county of Middlesex, dated the — day of —, in the year of our Lord 18—, became held and firmly bound to —, sheriff of the said county of —, in the sum of £—, of good and lawful money of Great Britain, to be paid to the said sheriff at a day past; and whereas, by a certain assignment of the said bond, the said sheriff, at our request, costs, and charges, hath assigned unto us for our use the said bond or writing obligatory, and which said sum of £— still remains due and unpaid to us; and we, being desirous to be satisfied the same with all the speed we can (as is just), do command you, that within fourteen days from the service of this writ, including the day of service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster; and take notice, that in default of your so doing judgment will be signed against you forthwith, and execution issued at the expiration of fourteen days from the day of signing such judgment for the said sum of £—, together with costs.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

Take notice, that if you appear in due time, according to the exigency of this writ, you are required to plead thereto within fourteen days from the date of such appearance, including the day of such appearance, and in default judgment may be signed and execution issued forthwith. The plea must be delivered to the solicitor of the department issuing out this writ.

### FORM No. 7.

#### *Form of Scire Facias on Special Bail or Recognizance.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to A. B., of —, in the county of —, greeting.—Whereas you, the said A. B., came in your proper person before [here state before whom the acknowledgment took place], on the — day of —, in the year of our Lord 18—, and acknow-

ledged yourself to be indebted to us in the sum of £—, of lawful money of Great Britain, to be paid at a day now past, which said sum of money you have not yet paid or caused to be paid to us, as we are informed; and we, being desirous to be satisfied the same with all the speed we can (as is just), do command you, that within fourteen days from the service of this writ, including the day of service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster; and take notice, that in default of your so doing judgment will be signed against you forthwith, and execution issued at the expiration of fourteen days from the day of signing such judgment for the said sum of £—, together with costs.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

Take notice, that if you appear in due time, according to the exigency of this writ, you are required to plead thereto within fourteen days from the date of such appearance, including the date of such appearance, and in default judgment may be signed and execution issued forthwith. The plea must be delivered to the solicitor of the department issuing out this writ.

#### FORM No. 8.

##### *Form of Scire Facias on Inquisition held under Writ of Extent or Diem Clausit Extremum.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to A. B., of —, in the county of —, greeting.—Whereas [here recite the substance of the writ of extent or diem clausit extremum]; and whereas by an [or another] inquisition indented, taken at —, on the — day of —, before the sheriff of the said county, by virtue of our writ of extent [or diem clausit extremum], issued out and under the seal of our Court of Exchequer at Westminster, against the said —, his estate and effects [or the estate and effects of the said —], for the recovery of the said debt, it was found, on the oath of — and others, good and lawful men of the said sheriff's bailiwick, that you, the said A. B., were indebted [as in inquisition], which said debt the said sheriff, on the day of taking the said inquisition, had seized and taken into our hands, according to the command of the said writ, and the same still remains due and unpaid to us, as we are informed, as by the said writ of extent [or diem clausit extremum] and inquisition taken thereupon, returned and filed in our said Exchequer, more fully appears; and we, being desirous to be satisfied the same with all the speed we can (as is just), do command you, that within fourteen days from the service of this writ, including the day of service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster; and take notice, that in default of your so doing judgment will be signed against you forthwith, and execution issued at the expiration of fourteen days from the day of signing such judgment for the said sum of £—, together with costs.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

Take notice, that if you appear in due time, according to the exigency of this writ, you are required to plead thereto within fourteen days from the date of such appearance, including the day of such appearance, and in default judgment may be signed and execution issued forthwith. The plea must be delivered to the solicitor of the department issuing out this writ.

#### FORM No. 9.

##### *Form of Scire Facias against Executors.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to A. B., of —, in the county of —, greeting.—Whereas C. D., of —, by his bond or writing obligatory, sealed with his seal, made at Westminster, in the county of Middlesex, dated the — day of —, in the year of our Lord 18—, became bound to us in the sum of £—, of lawful money of Great Britain, payable at a day past, which said sum of money the said C. D. hath not paid or caused to be paid to us, as we are informed: and whereas the said C. D. hath departed this life, having first made and published his last will and testament in writing, and thereby appointed you, the said A. B.,

executor thereof, who have duly proved the same, and taken upon yourself the execution thereof, as we are informed; and we, being desirous to be satisfied the said sum of £— with all the speed we can (as is just), do command you, that within fourteen days from the service of this writ, including the day of service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster; and take notice, that in default of your so doing judgment will be signed against you forthwith, and execution issued at the expiration of fourteen days from the day of signing such judgment for the said sum of £—, together with costs, out of the goods and chattels which belonged to the said C. D. at the time of his death, and come to your hands and possession to be administered.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

Take notice, that if you appear in due time, according to the exigency of this writ, you are required to plead thereto within fourteen days from the date of such appearance, including the day of such appearance, and in default judgment may be signed, and execution issued forthwith. The plea must be delivered to the solicitor of the department issuing out this writ.

#### FORM No. 10.

##### *Form of Writ of Execution for Removal of Persons intruding, or for the Possession, and Costs, where no Fine sought to be levied.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to the sheriff of the county of —, greeting.—Whereas, by virtue of a judgment entered up in our Court of Exchequer at Westminster, we command you, that you omit not, by reason of any liberty of your bailiwick, but that you enter the same, and immediately after receipt of this our writ you remove, or cause to be removed, —, and every other person, from the possession of —, and from all and every part or parcel thereof, and that you take the said — into our hands, so that we may hold the same to us, our heirs and successors for ever, free from any disturbance or interruption from the said —, or any person or persons claiming under him;\* [if for possession only, then proceed thus:] and that you make distinctly and plainly appear to the barons of our Exchequer at Westminster, on the — day of —, in what manner this our command shall have been executed, and that you then have there this writ.

Witness &c. [as at the end.]

[If for costs as well as possession, then proceed thus from asterisk:] And we further command you, that you cause to be made and levied to our use, of the goods and chattels, lands and tenements of the said — in your bailiwick, the sum of £—, of the lawful money of Great Britain, which we, by the aforesaid judgment, have recovered against the said — for costs; and when you have levied the said money, that you have the same before the barons of our Exchequer at Westminster, on the — day of —, to be then paid into our court to our use; and if it shall happen that the goods and chattels, lands and tenements of the said — shall not be sufficient to pay the said money, then that you omit not, by reason of any liberty of your bailiwick, but that you enter the same, and take the said — by — body wherever he shall be found in your said bailiwick, and that you keep him safely and securely, so that you have — body before our said barons, at the said day and place, to satisfy us the said money, and that you make distinctly and clearly appear to our said barons, on the said — day of —, all that you have done in the premises, and have there this writ.

[Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

[If for costs only, the ordinary *fi. fa.* may issue, by inserting the words "for costs," after stating the amount, and "money," instead of "debt," in the latter part of the writ.

Where fine in addition to possession and costs, or damages, are sought to be recovered, this form may be altered accordingly.]

#### FORM No. 11.

##### *Form of Writ of Execution on Estreat.*

Victoria, by the grace of God of the United Kingdom of

Great Britain and Ireland Queen, defender of the faith, to the sheriff of our — of —, greeting.—We command you that you do not omit by reason of any liberty in your bailiwick, but enter the same, and levy, out of the goods and chattels of the several persons named in the schedules annexed to this writ, the several sums of money charged upon them and each of them in the said schedules, or required from them or any of them, so that you have that money before the barons of our Exchequer at Westminster without delay, and from time to time as you shall levy the same. And if it shall happen that the goods and chattels of the said persons in the said schedules named, or of any of them, are not sufficient in your bailiwick for payment of the several sums of money charged upon them and each of them in the said schedules, then you shall not omit, by reason of any liberty in your bailiwick, but enter the same, and take the bodies of the said several persons and each of them not having goods (peers, lords, and ladies only excepted), wherever you shall find them in your bailiwick, and keep them in safe custody in our prison until they have fully satisfied us the several debts charged upon them and each of them in the said schedules. And what you shall do herein you shall make appear to the barons of our Exchequer at Westminster on the — day of — next ensuing, and that you then have there this writ.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

#### FORM NO. 12.

##### *Writ of Summons for Recovery of Legacy or Successions Duty.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting.—Whereas we have been given to understand in our court, before our barons of the Exchequer at Westminster, that you being — accountable part — within the true intent and meaning of the statute passed in the Parliament holden in the sixteenth and seventeenth years of our reign, cap. 51 [if issued under the Legacy Duty Acts, insert, and the Legacy Duty Acts], have been required by our Commissioners of Inland Revenue to render an account pursuant to the said statute [if under Legacy Duty Acts, and the said acts], and have made default therein: now we command you —, that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to the said Commissioners of Inland Revenue an account, upon oath, of —, and that you do within the same time pay the duty chargeable —; or that you, the said —, do within the said time appear before the barons of our said Exchequer at Westminster, and shew cause why you make default in the premises, and this you — are in nowise to omit, upon pain of process of contempt issuing against your person for your neglect herein.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

#### FORM NO. 13.

##### *Writ of Inquiry to ascertain Amount of Profits or Damages.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to the sheriff of the county of —, greeting.—Whereas our Attorney-General on our behalf hath lately, in our Court of Exchequer at Westminster, filed an information against A. B. for [state the substance of the information, exclusive of the conclusion, then proceed thus]: and the said Attorney-General hath claimed on our behalf £—; and such proceedings were thereupon had in our said court, that we ought to recover against the said A. B. our damages on occasion of the premises; but because it is unknown to our said court what damages we have sustained in that behalf, therefore we command you, that, by the oath of twelve good and lawful men of your bailiwick, you diligently inquire what damages we have sustained on occasion of the premises aforesaid, and that you send to the barons of our Exchequer at Westminster, on the — day of — now next ensuing, the inquisition which you shall thereupon take, under your seal, and the seals of those by whose oath you shall take that inquisition, together with this writ.

Witness —, at Westminster, the — day of —, in the year of our Lord 18—.

#### SCHEDULE (B.)

The forms in the following judgments are to be used when there is no entry on the roll. When a roll is carried in, the proceedings, with the dates when they arose, must be entered on the roll; and the judgment in that case, from the words "Therefore it is considered," in the following forms, may be adapted to the particular case.

##### *Form of Judgment by Default, &c. to Subpoena.*

In the Exchequer.

The — day of —, in the year of our Lord 18—.

[Tests of writ.]

Middlesex, to wit.—On the day and year above written a writ of subpoena issued forth of this court against A. B., at the suit of her Majesty's Attorney-General, on behalf of her Majesty, for [state shortly for what the writ is issued].

[For want of appearance, thus:]

And whereas the said A. B. was on the — day of —, A. D. 18—, duly served with the said writ, but hath made default in appearing thereto, and thereupon an information, numbered —, was on the — day of —, A. D. 18—, filed against him in this court: therefore &c. [judgment as after set out.]

[For want of plea, as above to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney, entered an appearance to the said writ, but hath made default in pleading to the information, numbered —, filed against him in this court on the — day of —, A. D. 18—: therefore &c. [judgment as after set out.]

[Withdrawal of plea, as in first form to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney, entered an appearance to the said writ, and afterwards pleaded to the information, numbered —, filed against him in this court on the — day of —, A. D. 18—; and on the — day of —, A. D. 18—, the defendant withdrew such plea: therefore &c. [judgment as after set out.]

[Confession to information, as in first form to asterisk\*, then proceed thus:]

And whereas, on the — day of —, the said A. B., by —, his attorney, entered an appearance to the said writ, and on the — day of — confessed to the information, numbered —, filed in this court against him on the — day of —, A. D. 18—.

[For debt or duties.]

Therefore it is considered that her Majesty do recover against the said A. B. the several sums of money in the said information mentioned, amounting together to the sum of £— [or the sum of £— in the said information mentioned. If costs taxed in any case, conclude thus, or as near as may be:] and also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—.

[For penalties.]

Therefore it is considered that the said A. B. be convicted of the offence [or several offences] in the said information mentioned, and that he do for his said offence [or offences] forfeit the sum of £— [or the several sums of money, amounting together to the sum of £—] in the said information also mentioned, and that her Majesty do recover against the said A. B. the said sum of £— [if costs taxed, proceed as in preceding form.]

[Penalties and duties.]

Therefore it is considered that the said A. B. be convicted of the several offences in the first, second, and third counts [or as the case may be] of the said information mentioned, and that he do for his said offences forfeit the several sums in those counts respectively mentioned, amounting to the sum of £—, and that her Majesty do recover against the said A. B. the said sum of £—, and also the several sums of money in the fourth, fifth, and sixth counts [or as the case may be] of the said information mentioned, amounting to the sum of £—, which sums together make the sum of £— [if costs taxed, proceed as in first form.]

[For intrusion, to remove persons intruding:]

Therefore it is considered that the said A. B. be convicted of

the entry, intrusion, and making entry in the said information mentioned, and that he be removed from the possession of — in the said information mentioned [if fine sought to be recovered, these words may be inserted], and that the said A. B. be taken by his body to make fine with our lady the Queen for his said entry and intrusion.

[When judgment by default is signed in respect of part only of the premises:]

Therefore it is considered that the said A. B. be convicted of the entry, intrusion, and making entry on part of the premises in the said information mentioned; that is to say [describe the part]; and that he be removed from the possession of the said [describe the part as before] in the said information mentioned [conclude as before.]

[For form of interlocutory and final judgment in intrusion to recover profits or damages, see post, p. 102.]

#### Form of Judgment when Proceedings are by Capias.

[For Non-appearance after Service of Information in Gaol.]

The — day of —, in the year of our Lord 18—.

[Tests of writ.]

Middlesex, to wit.—On the day and year above written a writ of capias issued forth of this court against A. B., at the suit of her Majesty's Attorney-General, on behalf of her Majesty, for the forfeiture of the sum of £—\* [or as the case may be]; and whereas the said A. B. hath been arrested by virtue of the said writ, and taken to prison by the sheriff of the county of —, and, neglecting to give bail to the said sheriff for his appearance in this court, an information, numbered —, was on the — day of —, A. D. 18—, filed therein against the said A. B., a copy of which information was served upon him on the — day of —, A. D. 18—; and the said A. B. still neglecting to appear here in court, or plead to the said information for twenty days after such service; therefore it is considered that the said A. B. be convicted of the several offences in the said information mentioned, and that he do for his said offences forfeit the several sums of money in the said information mentioned, amounting together to the sum of £—, and that her Majesty do recover against the said A. B. the said sum of £—, [if costs taxed, proceed], and also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—.

[If for debt or duties, the same form of judgment, from the words "therefore, &c.," may be used as is mentioned under the previous head of "judgment by default to sub-pena."]'

[For want of appearance after giving bail to sheriff, as in preceding form to asterisk \*, then proceed thus:]

And whereas the said A. B. was on the — day of —, A. D. 18—, arrested by the sheriff of the county of —, by virtue of the said writ, but hath made default in appearing thereto; and thereupon an information, numbered —, was on the — day of —, A. D. 18—, filed against him in this court: therefore, &c. [conclude as before.]

[For want of plea, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney, entered an appearance to the said writ, and put in special bail herein, but hath made default in pleading to the information, numbered —, filed against him on the — day of —, A. D. 18—, in this court: therefore, &c. [conclude as before.]

[On withdrawal of plea, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney, entered an appearance to the said writ, and put in special bail herein, and afterwards pleaded to the information, numbered —, filed against him in this court on the — day of —, A. D. 18—, the defendant withdrew such plea: therefore, &c. [conclude as before.]

[Confession to information, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by —, his attorney, entered an appearance to the said writ, and on the — day of —, A. D. 18—, confessed to the information, numbered —, filed in this court against him on the — day of —, A. D. 18—: therefore, &c. [conclude as before.]

#### Form of Judgment by Default for Want of Appearance to Scire Facias, Plea, &c., and after Verdict.

The — day of —, in the year of our Lord 18—.

[Tests of writ.]

Middlesex [or county], to wit.—On the day and year above written a writ of scire facias issued forth of this court against A. B. for the recovery of the sum of £—, the penalty of a certain bond given to her Majesty by the said A. B., bearing date the — day of —, A. D. 18—, [or state the substance of the writ \*]: and whereas the said A. B. was on the — day of —, in the year of our Lord 18—, duly served with the said writ, but hath made default in appearing thereto: therefore it is considered that her Majesty recover against the said A. B. the said sum of £— in the said writ of scire facias mentioned, and [if costs taxed, proceed] also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—.

[For want of plea, rejoinder, or not joining in demurrer, &c., as in preceding form to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney [or in person], entered an appearance to the said writ, but hath made default in pleading thereto, ["or" rejoining to the replication of her Majesty's Attorney-General, "or" joining in the demurrer to her said Majesty's Attorney-General to the — of the said defendant:] therefore, &c. [as in preceding form.]

[Withdrawal of plea, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney [or in person], entered an appearance to the said writ, and afterwards pleaded thereto; and on the — day of —, A. D. 18—, withdrew such plea: therefore, &c. [as before.]

[Confession to scire facias, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by —, his attorney, entered an appearance to the said writ, and on the — day of —, A. D. 18—, confessed thereto: therefore, &c. [as before.]

[After verdict, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney [or in person], entered an appearance to the said writ, and pleaded thereto: and whereas on the — day of —, A. D. 18—, on a verdict of the country, the said A. B. was found indebted to her Majesty in the sum of £— in the said writ of scire facias mentioned: therefore, &c. [as before.]

[If for defendant after verdict, to asterisk \*, then proceed thus:]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney [or in person], entered an appearance to the said writ, and pleaded thereto: and whereas on the — day of —, A. D. 18—, on a verdict of the country, the same was found for the defendant: therefore it is considered that as to the sum of £— in the said writ of scire facias mentioned, the said A. B. do go hence without day. [If costs taxed, thus:] And that the said A. B. do recover from the Crown the sum of £— for his costs of defence.

#### Form of Judgment on Information for Profits or Damages assessed on a Writ of Inquiry.

In the Exchequer.

The — day of —, in the year of our Lord, 18—.

[Tests of writ.]

Middlesex [or county], to wit.—On the day and year above written a writ of subpoena issued forth of this court against A. B., at the suit of her Majesty's Attorney-General, on behalf of her Majesty, for\* [state for what the writ issued.]

[For want of appearance, thus:]

And whereas the said A. B. was, on the — day of —, A. D. 18—, duly served with the said writ, but hath made default in appearing thereto, and thereupon an information, numbered —, was on the — day of —, A. D. 18—, filed against him in this court; and the said A. B. not having appeared, her Majesty remains therein undefended against the said A. B.: wherefore, &c. [as after.]

[For want of plea, as above to asterisk \*.]

And whereas on the — day of —, A. D. 18—, the said A. B., by C. D., his attorney, entered an appearance to the said writ, but hath made default in pleading to the information, numbered —, filed against him in this court on the

— day, of —, A.D. 18—: and the said A. B. having made such default, and said nothing in bar or preclusion of the said information, whereby her Majesty remains therein undefended against the said A. B.: wherefore her Majesty ought to recover against the said A. B. her profits [or damages, *as the case may be*], on occasion of the premises; but because it is unknown to the court here what damages her Majesty hath sustained in that behalf, the sheriff is commanded that by the oath of twelve good and lawful men of his bailiwick he diligently inquire what damages her Majesty hath sustained on occasion of the premises, and that he send the inquisition, which he shall thereupon take, to the barons of our Exchequer at Westminster, on the — day of —, under his seal, and the seals of those by whose oath he shall take that inquisition, together with the writ of our said lady the Queen to him thereupon directed; the same day is given to her Majesty's Attorney-General at the same place; at which day comes here the said Attorney-General; and the sheriff, to wit, S. S., Esq., sheriff of the said county of —, now here returns a certain inquisition indented, taken before him at —, in the county aforesaid, on the — day of —, A.D. 18—, by the oath of twelve good and lawful men of his bailiwick, by which it is found that her Majesty hath sustained damages on occasion of the premises to £— over and above her costs of suit. Therefore it is considered that her Majesty do recover against the said A. B. her damages aforesaid by the said inquisition above found, and also £— for her costs of suit by the court here adjudged to her said Majesty, which said damages and costs in the whole amount to £—. [*A capiatur profine may be added if necessary.*]

*Form of Judgment after verdict on Information or on Demurrer.*

In the Exchequer.

The — day of —, in the year of our Lord 18—.

Middlesex, to wit.—On the day and year above written a writ of subpoena [or capias] issued forth of this court against A. B., at the suit of her Majesty's Attorney-General, on behalf of her Majesty: and whereas on the — day of —, A.D. 18—, the said A. B., by —, his attorney, entered an appearance to the said writ, and hath pleaded [or demurred] to the information, numbered —, filed against him on the — day of —, A.D. 18—: and whereas on the — day of —, A.D. 18—, on a verdict of the country, the said A. B. was found [*if for penalties*] guilty of the several offences, and each and every of them, in the said information mentioned; therefore, &c. [*as post.*]

[*If in customs or excise, and the single value of the goods be found, proceed thus:*]—And the jury found the single value of the goods in the said information mentioned to be £—; therefore, &c.]

[*If for duties*, indebted to her Majesty in the several sums of money in the said information mentioned; therefore, &c.]

[*If on intrusion, here state how the verdict was found*; therefore, &c.]

[*If for damages, here state how the verdict was found*; therefore, &c.]

[*If special verdict.*] And whereas on the — day of —, A.D. 18—, on the trial of this information, a special verdict was found by the jury; and whereas on the — day of —, A.D. 18— [*when judgment given*], on the argument of the said special verdict, the said A. B. was declared indebted to her Majesty in the sum of £—; therefore, &c.

[*After argument on demurrer, as above to asterisk\*, then proceed thus:*]

And whereas on the — day of —, A.D. 18—, on the argument of the demurrer of the said — to the — of the said —, the said demurrer was allowed [*or overruled*]; therefore, &c.

[*If for penalties.*]

Therefore it is considered that the said — be convicted of the several offences in the said information mentioned [or, in the first and second counts of the said information mentioned, *as the case may be*], and that he do for his said offences forfeit the several sums of money in the said information also mentioned [or in the said first and second counts of the said information mentioned], amounting together to the sum of £— [*if single value found, forfeit the sum of*

£—, being the treble value of the goods in the said information mentioned, or in the first and second counts of the said information mentioned, or *as the case may be*], and that her Majesty recover against the said — the said sum of £—, [*if costs taxed, proceed thus:*] and also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—.

[*If for duties.*]

Therefore it is considered that her Majesty recover against the said — the several sums of money in the said information mentioned, amounting together to the sum of £— [or the sum of £— in the said information mentioned], [*if costs taxed, proceed thus:*] and also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—.

[*If for intrusion.*]

Therefore it is considered that the said A. B. be convicted of the entry, intrusion, and making entry in the said information mentioned [or, *if for part only of the premises, describe the same as in p. 101*], and that he be removed from the possession of — in the said information mentioned, [*if fine sought to be recovered, these words may be inserted:*] and that the said A. B. be taken by his body to make fine with our lady the Queen for his said entry and intrusion, [*if costs taxed, proceed thus:*] and that her Majesty do recover against the said — the sum of £— for her Majesty's costs of suit.

[*If for damages.*]

Therefore it is considered that her Majesty recover against the said A. B. the said monies by the jurors aforesaid in form aforesaid assessed, and also £— for her Majesty's costs of suit, which said monies and costs in the whole amount to £—.

*Judgment in part for Crown and in part for Defendant.*

Therefore it is considered that the said A. B. be convicted of the several offences in the first and second counts of the said information mentioned [or *as the case may be*], and that he do for his said offences forfeit the several sums of money in the said first and second counts of the said information mentioned, amounting together to the sum of £—, [*if costs taxed, proceed thus:*] and also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—. And it is further considered, that as to the several other offences in the remaining counts of the said information mentioned, the said A. B. do go hence without day.

[*If for defendant, as above to asterisk\*, then proceed thus:*]

And whereas on the — day of —, A.D. 18—, on a verdict of the country, the said A. B. was found not guilty of the several offences [or not indebted to her Majesty in the several sums of money, or in intrusion or for damages, according to the facts] in the said information mentioned; therefore it is considered, that as to the several offences [or several sums of money, or in intrusion or for damages, as the case may be] in the said information mentioned, the said A. B. do go hence without day, [*if costs taxed, proceed:*] and that the said A. B. do recover from the Crown the sum of £— for his costs of defence. [*If on special verdict, the above form to be varied accordingly.*]

(To be continued.)

THE BERKELEY CASE.—The House of Lords have rejected the claim of Vice-Admiral Sir Maurice Frederick Fitzhardinge Berkeley to sit in that House as a peer, with the title of Baron Berkeley, by virtue of holding the barony of Berkeley. The decision apparently proceeds on the ground that the right to sit in the Upper House per baroniam no longer exists.

Mr. Edmund Humphrey Woolrych has been appointed a magistrate at the Thames Police Court, in the place of Mr. Yardley, who succeeds the late Mr. Secker at Marylebone.

The Commissioners in Lunacy have (with the approbation of the Lord Chancellor) appointed the Hon. William C. Spring Rice, barrister-at-law, to be their secretary, on the resignation of John Forster, Esq., appointed a commissioner.

innkeeper. March 26 at 1, London.—*George Robinson* and *R. Wist*, Bermondsey-square, Bermondsey, Surrey, licensed victuallers, March 22 at half-past 1, London.—*H. Saunders*, Brighton, Sussex, cabinet maker, March 22 at 1, London.—*Wm. Brent*, Blue Anchor-road, Bermondsey, Southwark, and Wilbourn-terrace, Orange-road, Surrey, tanner, March 26 at 2, London.—*Robert Beard*, Snow's-fields, Bermondsey, Surrey, wheelwright, March 26 at half-past 2, London.—*T. Jones*, Northampton, victualler, March 22 at 1, London.—*Jean M. F. Jaquemot*, New Broad-street, City, silk merchant, March 22 at 12, London.—*Frederick John Skinner*, Thurlow-place, Hackney-road, Middlesex, designer in embroidery, March 22 at 12, London.—*Mark Robinson*, Bloxwich, Walsall, Staffordshire, shoemaker, March 22 at 11, Birmingham m.—*Roseland William Connell*, Liverpool, dealer in teas, March 22 at 12, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*John Vokias* and *William Hurd*, Jubilee-place, Chelsea, Middlesex, horticultural builders.—*Henry Turner*, Rotherhithe-wall, Rotherhithe, Surrey, grocer.—*Gibbs Hovus Murrell*, Surlingham, Norfolk, brickmaker.—*Henry R. Knights*, Bermondsey-street, Surrey, carrier.—*Thos. Septimus Pattison* and *Fred. Miles*, Laurence Pountney-hill, City, wholesale stationer.—*Henry Alfred Brooms*, Russell-st., Covent-garden, Middlesex, licensed victualler.—*Wm. Stark*, Mark, Somersetshire, corn factor.—*Isabella Lillias Mary Harris*, widow, Liverpool, hosier.—*Thomas Beech*, Everton, near Liverpool, joiner.—*J. Steele Lofthouse*, Liverpool, licensed victualler.—*Fuller Coker*, Worcester, builder.—*Jas. Thomson*, *John Thomson*, and *Samuel Woodhouse*, Birmingham, Manchester and Scotch warehousemen.—*Samuel Perry*, Woodfield, Claverley, Shropshire, manure dealer.—*George Haden Hickman* and *Alfred Hickman*, Bilston, Staffordshire, iron manufacturers.

**PARTNERSHIPS DISSOLVED.**

*Johnson Atkinson Busfield*, *George Gladstone Macturk*, and *William Busfield*, Bradford, Yorkshire, attorneys and solicitors (so far as relates to *George Gladstone Macturk*).—*James Wells Taylor* and *Robert Woodward*, Great James-street, Bedford-row, Middlesex, attorneys and solicitors.

**SCOTCH SEQUESTRATIONS.**

*Ronalds & Co.*, Paisley, shawl manufacturers.—*John Carlyle*, Shaw, Tundergarth, Dumfries, sheep dealer.—*John Davie*, Glasgow, merchant.—*Archibald Macalister*, West Clyth, near Lyster, Caithness-shire, fish curer.—*Wm. Bruce*, Hamilton, draper.—*Walter Morison*, Glasgow, cattle salesman.—*The Edinburgh Machine Sewing Company*, Edinburgh.

**TUESDAY, March 5.**

**BANKRUPTS.**

**SIDNEY JOSEPH GEORGE FRENCH**, Norton Folgate, Middlesex, chemist, March 19 at half-past 1, and April 16 at 12, London: Off. Ass. Bell; Sols. Hare & Whitfield, 1, Mitre-court, Temple.—Pet. f. Feb. 28.

**CHARLES POWELL**, Dartford, Kent, grocer, March 15 at 2, and April 15 at half-past 1, London: Off. Ass. Pennell; Sol. Venn, 3, New-inn, Strand.—Pet. f. March 2.

**ANNA MARIA OWEN**, New Bond-street, Middlesex, dealer in China goods, March 15 at half-past 12, and April 16 at 1, London: Off. Ass. Pennell; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Jan. 23.

**WILLIAM GUNNELL** and **JOHN BROWNE**, Landport, Hampshire, biscuit manufacturers (trading under the firm of Gunnell, Browne, & Co.), March 15 and April 17 at 1, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Feb. 26.

**ERNEST WEIL**, Bank-chambers, Lothbury, City, merchant, March 15 at half-past 2, and April 16 at 2, London: Off. Ass. Edwards; Sol. Lloyd, 1, Wood-street, Cheapside, London.—Pet. f. Feb. 21.

**GEORGE HARJETTE**, Weaver-street, Bethnal-green, Middlesex, skein-silk dyer, March 15 at 2, and April 16 at 1, London: Off. Ass. Edwards; Sol. Porter, 57, Skinner-st., Snow-hill, London.—Pet. f. March 2.

**THOMAS GEORGE JOHNSON** the younger, Coventry, Warwickshire, wine merchant, March 18 and April 8 at 11, Birmingham: Off. Ass. Kinneir; Sols. Minster & Son, Coventry; Reece, Birmingham.—Pet. d. March 4.

**CATHERINE DAWES** and **CHAS. FIDIAN** the younger, Birmingham, coffin furniture manufacturers, March 18 and April 8 at 11, Birmingham: Off. Ass. Whitmore; Sols. Webb, Birmingham.—Pet. d. March 4.

**GEORGE EDWARD WALKER**, Nottingham, victualler, March 21 and April 4 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Lees, Nottingham.—Pet. d. March 1.

**JOHN EVANS**, Lampeter, Cardiganshire, cattle dealer, March 19 and April 16 at 11, Bristol: Off. Ass. Miller; Sols. Abbot & Co., Bristol.—Pet. f. Feb. 18.

**JAMES HECK**, Lincoln, butcher, March 20 and April 17 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Dale, Lincoln.—Pet. d. March 1.

**MEETINGS.**

*Samuel Utting Culley*, Coleman-street, City, and Priory-grove West, Brompton, Middlesex, wine merchant, March 15 at 1, London, pr. d.—*George Canning Moulton*, Gresham-street, City, dealer in India rubber, March 15 at half-past 1, London, last ex.—*Edward Thomas*, Walsall, Staffordshire, ironmaster, April 12 at 11, Birmingham, last ex.—*David Goodman*, Cardiff, Glamorganshire, watchmaker, March 19 at 11, Bristol, last ex.—*William Antony Fretton*, Maesteg, Glamorganshire, ironmaster, and Stroud, Gloucestershire, attorney-at-law, March 18 at 11, Bristol, last ex.—*John Palmer*, Mutley, near Plymouth, Devonshire, picture dealer, March 21 at 11, London, aud. ac.—*George Brice Sainsbury*, Church-lane, Whitechapel, Middlesex, and Leadenhall-street, City, coal merchant, March 21 at half-past 11, London, aud. ac.—*Nathaniel Skattnell Dodge* and *Raffaello Louis Giandomati*, St. Paul's-churchyard, City, dealers in India rubber, March 21 at 2, London, aud. ac.—*Thomas Gray*, Broad-street, City, woollen warehouseman, March 19 at 12, London, aud. ac.—*Frederick John Skinner*, Thurlow-place, Hackney-road, Middlesex, designer in embroidery, March 22 at 12, London, aud. ac.—*John Hatfield*, Connaught-terrace, Hyde-park, milliner, March 19 at 11, London, aud. ac.—*James Joseph Clark*, Aldersgate-street, City, leather merchant, March 19 at 12, London, aud. ac.—*Richard Hutchins Courtis*, Aberavon, Glamorganshire, grocer, March 28 at 11, Bristol, aud. ac.—*George Bydder*, Swansea, Glamorganshire, brewer, March 20 at 11, Bristol, aud. ac.—*Stephen Chapman Silcox*, Trowbridge, Wiltshire, carpenter, March 14 at 11, Bristol, aud. ac.—*George Elijah Smart*, Bath, Somersetshire, victualler, March 14 at 11, Bristol, aud. ac.—*Charles Gannett*, Cardiff, Glamorganshire, outfitter, March 14 at 11, Bristol, aud. ac.—*Charles Robertson*, Liverpool, baker, March 15 at 11, Liverpool, aud. ac.; March 27 at 11, div.—*Thomas Robinson Mitchell*, Liverpool, apothecary, March 15 at 11, Liverpool, aud. ac.—*George Jackson*, Manchester, decorative designer, March 20 at 12, Manchester, aud. ac.; March 27 at 12, div.—*Theophilus Kirkham*, Leadenhall-street, City, East India merchant, March 28 at half-past 12, London, div.—*Richard Rees*, Llanelly, Carmarthenshire, cabinet maker, March 28 at 11, Bristol, div.—*Wm. Pocell*, Newport, Monmouthshire, linen-draper, March 28 at 11, Bristol, div.—*Charles Jones Thomas*, Newport, Monmouthshire, bonded-store merchant, March 28 at 11, Bristol, first and fin. div.—*Mark Bowden*, Bristol, flint-glass manufacturer, March 28 at 11, Bristol, fin. div.

**CERTIFICATES.**

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John James Tyler*, Oxford, upholsterer, March 26 at half-past 1, London.—*Elisha Arnold*, Flamstead, Hertfordshire, straw-plait dealer, March 26 at half-past 12, London.—*William Richards*, Pontypridd, Glamorganshire, commission agent, March 26 at 11, Bristol.

*To be granted, unless an Appeal be duly entered.*

*Charles West*, Brasted, Kent, baker.—*James Pritchard*, Newnham, Gloucestershire, saddler.—*James Leyland Hodgson*, Manchester, money scrivener.

**PETITION ANNULLED.**

*Rich. Paddy*, Amelia-place, Brompton, Middlesex, draper.

**SCOTCH SEQUESTRATIONS.**

*Charles Philp*, Dunfermline, baker.—*William Freckleton*, Glasgow, hat manufacturer.—*Dugald Campbell McIntyre*, Glasgow, brickmaker.—*Roseland Field*, tenant of the Royal Hotel, St. Andrews.—*A. Boswell & Co.*, Leven, Fifeshire, spinners.—*Frederick Charles Morris*, Glasgow, commission agent.



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## MEETINGS.

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don, and ac.—*Thomas B. Hanson*, Oxford, chemist, March 19 at 12, London, and ac.—*Robert Beard*, Snow's-fields, Bermondsey, Surrey, wheelwright, March 19 at 1, London, and ac.—*Charles James Cuddy*, Goldington-street, St. Pancras, Middlesex, grocer, March 20 at 1, London, and ac.—*Henry Hollingdale*, Tonbridge, Kent, hay dealer, March 19 at 11, London, and ac.—*Wm. Henry Godfrey*, Henley-on-Thames, Oxfordshire, bookseller, March 20 at half-past 12, London, and ac.—*Wm. Cox*, Lamb's Conduit-street, St. George-the-Martyr, Middlesex, pickle manufacturer, March 20 at 2, London, and ac.—*Thomas Gilbertson*, Birkenhead, Cheshire, flour dealer, March 11 at 11, Liverpool, (and not Birmingham, as previously advertised), and ac.—*J. Pooley*, Liverpool, and Peterborough, Northamptonshire, contractor, March 19 at 11, Liverpool, and ac.; April 5 at 11, div.—*Wm. Woolley*, Tipton, Staffordshire, boiler maker, March 18 at 11, Birmingham, and ac.—*Thomas Parkes*, Kinver, Staffordshire, spade manufacturer, March 18 at 11, Birmingham, and ac.—*Robert Laing*, Forest Farm, near Scorton, Yorkshire, farmer, April 16 at 11, Leeds, and ac.—*G. Richard*, son and *G. T. France*, Huddersfield, Yorkshire, cloth merchants, April 16 at 11, Leeds, and ac. and div. sep. est. of *G. T. France*.—*Edwin Dawson*, Sheffield, Yorkshire, music seller, March 23 at 10, Sheffield, and ac.—*Charles Drexley*, Charendon-terrace, Bow-road, Middlesex, wheelwright, April 4 at half-past 11, London, div.—*John Lord*, *S. A. Butterworth*, and *Horatio Butterworth*, Shelf, near Halifax, Yorkshire, dyers, March 21 at 11, Leeds, and ac.

## CERTIFICATES.

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THE JURIST.

LONDON, MARCH 16, 1861.

No branch, perhaps, of our laws, notwithstanding all that has been done, requires more amendment than our ecclesiastical laws, especially those relating to advowsons, presentations, and the exercise of ecclesiastical patronage. Take, for instance, the laws relating to simony. They appear to be made only to be evaded; and like all laws founded upon erroneous principles, they are full of patent and miserable inconsistencies. Whenever a cure of souls falls vacant every person must feel conscious that it ought to be committed to the charge of the most worthy person willing to accept of it. The patron who makes an improper presentation is, to a great extent, liable for the evil which may result from it. Unfortunately, however, churches are considered as property vendible under certain conditions in the market; and this has created much confusion in the minds of people, many of whom think that they have a right to do, as in the case of mere property, what they like with their own—with what they have become possessed by descent or purchase—quite irrespective of the feelings or interests, important as those are, of the people for whose welfare churches were built and are supposed to be maintained. What, for instance, can be more

absurd than the law which allows the sale of a next presentation when the church is full, but forbids a sale when it is vacant? The evil is in allowing a sale at all. The only essential difference between allowing a sale of a benefice that is vacant and a benefice that is full is, that in the former case the value of the thing sold could be calculated exactly; in the latter case it cannot, as it depends upon an uncertain event—the death of the present incumbent.

Indeed, of the two, the sale of a benefice when full, independently of the law, is rather less defensible, as it partakes somewhat, perhaps, of a gambling transaction. This prohibition, however, of the sale “of vacant livings” is easily evaded. Suppose an incumbent dies before the owner is able to sell the presentation, all that he has to do in order to avoid the consequences of such an untoward event is to present the living to the most aged clergyman whom he can find ready to accept it, and the value of the living will be augmented in proportion to the age and decrepitude of the new incumbent.

Take, again, the law with regard to bonds of resignation. It was found out in the House of Lords that a bond given by a clergyman to his patron to resign at any time in favour of any person was void (*The Bishop of London v. Fytche*, 2 Bro. P. C. 211, Toml. ed.); and it was subsequently determined there that a special bond to resign in favour of one of

two persons was invalid (*Fletcher v. Lord Sondes*, 1 Bligh, N. S., 144), upon the ground that the agreement under which the bond was given was simoniacal, and therefore void, as being a benefit to the patron, contrary to the stat. 31 Eliz. c. 6.

Unfortunately the Legislature, after the last decision, rendered special bonds of resignation in favour of one of two persons standing within a certain degree of relationship to the patron valid. (See 9 Geo. 4, c. 94). This act calls rather for our regret than our surprise, inasmuch as so many members of our Legislature—at any rate, in those times—were interested in considering the presentation to advowsons to be a right of property to be exercised for their own private advantage, rather than a sacred trust to be administered most conscientiously for the good of the people.

The evils of bonds of resignation, even as now allowed by law, are of a twofold character. In the first place, in the words of an eminent judge, "The patron becomes thereby precluded from choosing the most proper individual for supplying the living. If he act in the presentation according to the condition of the bond, his choice is fixed long before the fitness of the object can be ascertained. At the execution of the bond the nominee may be at college, or perhaps at school, or perhaps in his cradle." (1 Bligh, N. S., 190). In the next place, the incumbent, who ought to be perfectly free and independent in order to be useful in his vocation, is put into a state of dependence upon the patron, only in some degree less absolute, and to that extent less mischievous, than formerly was the case when a general bond of resignation was exacted.

We think the Legislature would do well to retrace its steps—to render all bonds of resignation illegal. It might thereby set an example to lay patrons, and call somewhat forcibly to their minds that it is their duty not to consider that an incumbency is a provision for a relative, but that they are in duty bound to present the person who is best qualified for the place.

It will, however, we fear, be long before lay patrons, as a body, will be actuated by such sentiments, and greatly, we think, in consequence of the bad example set to them by ecclesiastical patrons. Thanks to the interposition of the Legislature, that excess of ecclesiastical nepotism which, in defiance of common decency and justice, gave living after living into the hands of a worthless and greedy relative, has, after long outrageous public opinion, been put a stop to. But still there is wanting a check upon the mode in which the bishops of England exercise their patronage; much and advantageously as it has been restricted, it ought to be still more restricted. Half-a-dozen livings, it is true, cannot now be conferred upon the same relation, but the best living in the diocese can, however unfit, either in point of age or experience, he may be for the charge. Many examples might be given of nepotism amongst prelates, which shew that some change in the law relating to their patronage is needed. Let it suffice to mention one of a notorious character which is at present much occupying, if we mistake not, the attention both of the laity and the clergy. We allude to the mode in which the Bishop of Durham has filled up the living of Haughton-le-Skerne. The living became vacant soon after the bishop took possession of his diocese, by the death of a Dr. Bandinell, at which time there was living in the parish a gentleman who had officiated as curate there for thirty years; and there are, we presume, in such a diocese as that of Durham, many men eminent for their intellectual attainments, for their piety, and for their zeal in the service of the Church, but who have hitherto received

but small remuneration for their long and unremitting labours. One would have thought that some of such men as we have mentioned would have been selected for such a post. But whom does the Bishop of Durham select? A gentleman who has only been three years in priest's orders, and who appears to be distinguished in no other way than by being the son-in-law and domestic chaplain of the bishop; and no man can doubt that it was the relationship of son-in-law, and not his qualifications as a priest, which procured him, at so immature an age, the wealthy living of Haughton-le-Skerne. That such things are possible, and can be done by a bishop, in disregard of the duties of his sacred function, and in defiance of public opinion, shews to us conclusively that it is high time for our legislators to go a step further. They have to a great extent, though not altogether, extinguished pluralities; they may now attempt to abolish, or at any rate to mitigate, ecclesiastical nepotism.

Some go so far as to suggest that all livings above a certain value, of which bishops are patrons, should be placed in the hands of others less likely to attempt to convert them into provisions for their families—in fact, portions for their younger children; others, again, suggest that some check should be put upon them, rendering the consent of some ecclesiastical body necessary to all appointments by bishops—say, for instance, the chapter of his cathedral. For our part, we are inclined to think that a moderate, and at the same time an effectual, check might be put upon the improper use by bishops of their patronage by enacting that no bishop should give livings above certain values to any person who had not been ordained a certain number of years; for instance, no bishop should be allowed to give a living of 500*l.* to 700*l.* to a person who had not been ordained priest say six years; nor a living worth from 700*l.* to 800*l.* a year to a person who had not been ordained priest twelve years; nor a living worth from 800*l.* a year upwards to a person who had not been ordained priest fifteen years.

Of course, what we now propose would not prevent all abuses of patronage; it would, however, prevent some—such, for instance, as the recent case of Haughton-le-Skerne, which no person, we presume, can descend to the hypocrisy of defending upon any other principle than that which asserts that "might makes right."

Again: another abuse of no uncommon occurrence might well be taken into consideration with the view of applying a remedy. A person is appointed bishop who has scattered over the various dioceses of England numerous relatives by affinity or consanguinity, who are ministers of the Church, and therefore open to, if not anxious for, preferment.

The bishop takes possession of his diocese, and as living after living falls vacant, he fills them successively up with his relations foreign to the diocese. This is obviously acting with great injustice to his own clergy, who might fairly expect that years of faithful service would in time be rewarded by promotion within their own diocese.

This practice might, we think, be checked, if not extinguished.

Much as the bench of bishops might oppose the alterations in the law which we have suggested, at any rate so far as affects themselves, we think that they would be of the greatest benefit to themselves. They would to a great extent be relieved from the temptation to commit injustice to others by enriching their own relatives, and indirectly themselves, to the scandal of the Church and to the discredit of their sacred profession.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—I write to inform you that on Saturday a petition to the Crown, praying inquiry into the effect of the present system of promotion at the Bar, was left at the Home Office for presentation.

The petition alleges, in effect, that the exercise of the prerogative in appointing Queen's Counsel is of no real service to the Crown, is injurious to the suitor, and operates with much injustice to other barristers.

It is presented on public grounds only.

I am, Sir, your obedient servant,  
EDWARD WEBSTER.

## THE BANKRUPTCY AND INSOLVENCY BILL.

THE following remarks on the Bankruptcy Bill are extracted from a paper by Mr. William Hawes, lately read at the Law Amendment Society:—

"By the present law creditors' assignees are chosen, but experience tells us that the official assignee discharges the administrative duties of winding up estates better than a trade assignee; so that the creditors' assignee rarely interferes in the practical management of an estate, though he is always ready to advise with the official assignee. In what respect, then, will the proposed law insure the greater efficiency of the creditors' assignees than now exists, the services under both laws being without remuneration?"

"The creditors' assignee, by the new law, is to be chosen at the first meeting by a majority in value, as he is now chosen. Even now there is often a struggle for the choice of the creditors' assignee; not that the party named desires to act—and there is nothing in the new bill to increase that desire, but the contrary—but because the election carries with it the appointment of the solicitor to the estate. But this struggle under the new bill will be greater in proportion as the advantages to be gained are greater, for the choice will not only carry the solicitor, but that of the paid manager also. So that if there be a sharp canvass for this appointment now, what will it be when the duties, and therefore the profits, of the solicitorship are doubled? For no one will say a solicitor will collect bankrupts' debts so economically as the official assignee now does; and there is besides another paid officer to be appointed. The estate being thus placed in private hands, what security will there be against costs, and against unnecessary law proceedings? And in the country, where the assets have to be received by private persons and paid into private banks, what security will there be as to the regular accounting for all monies received?"

"Then, when the creditors' assignee is chosen, the estate is to be transferred from the official assignee to the trade assignee, except so far as debts under 10*l*. are concerned—a striking proof that the framers of this bill do not think their new machinery efficient for all the work required from it; and no information is afforded as to which assignee collecting debts is to have charge of the bankrupt's books—neither can do their work without them. There will be two officers collecting the debts of each estate—the larger number, though of the smallest amount, in most cases by the official or experienced assignee; and the smaller number, though largest in amount, often involving intricate legal rights, by the inexperienced creditors' assignee. Again: we now have an official assignee accountable to the court and to the creditors, and no other expense (except the bankrupt's accountant, which is the same under both) is allowed. He opens and closes the estate, and has no interest to encourage law expenses or to protract proceedings, and desires only fairly to fulfil

his duty to the debtor, to the creditor, and to the public. But under the new bill we have an official assignee, at a fixed salary, to open the proceedings, and permanently to retain the collection of certain debts; then a creditors' assignee, carrying with it the appointment of the solicitor, who will charge for the collection of the debts as between attorney and client, and not a per-centage, as the official assignees now do; then a manager, to be paid out of the estate; and, lastly, when the creditors' assignees and the manager are discharged from their duties, the original official assignee is to be re-appointed, with his usual commission on collecting outstanding debts.

"We are to have an official assignee and a creditors' assignee—neither is to be trusted. The creditors' assignee is to a certain time to audit the accounts of the official assignee; and then the creditors' assignee is every three months to render his accounts, in the presence of the registrar, to the official assignee for his examination; no mention being made of that portion of the estate left in the hands of the official assignee, or which he may afterwards acquire.

"It appears to me, that under the plea of giving power to creditors to manage their own affairs, and of economising time and money in the management of bankrupts' estates, the framers of these clauses, in their desire to make some change, have done their utmost to complicate proceedings, to increase their cost, and to produce delay by taking the management of bankrupts' estates out of the hands of a few public officers, and placing them in the hands of hundreds of private and unqualified persons. It is evident that they have not been prepared by any one conversant with business in bankruptcy. What we require from reform in bankruptcy is, fewer forms, not more—greater simplicity of procedure, not less—and the fair representation of all interests involved in an estate. We want greater concentration, rather than increased diffuseness; we want estates to be placed in the hands of men whose sole business it is to expose fraud and to assist the unfortunate, to accomplish which requires experience and knowledge of business and of the world.

"I believe, then, that the practical effect of the proposed changes relating to the assignees will be beneficial to fraudulent bankrupts, but prejudicial to the public, and particularly to the general body of creditors. They will afford greater facilities for delay, on which fraudulent debtors depend to defeat justice and to conceal and gloss over their frauds, and will increase the expense and uncertainty of bankruptcy by the division of responsibility and the multiplication of forms. I believe that under the present system of official assignees their duties are discharged ably and conscientiously, and their appointment was hailed as a great boon to trade; and all that is required to make the present system as perfect as it is satisfactory is to give to creditors the right to select which official assignee they prefer, instead of being obliged to take one in rotation or by ballot. They collect the debts with great success and at small cost, and the public will be injured in proportion as the management of estates is taken out of independent and impartial hands, and placed in those from whom it was taken in 1832 on account of the then existing abuses, and where individual interests will often be in opposition to those of the general body of creditors and the public. I cannot discover a single form or element of cost dispensed with, but many are added; and in a bill professing economy it is singular that the salaries of the least-worked officers of the court, the registrars, should be increased 200*l*. per annum.

"I will now pass on to the next division of my subject—the transfer of bankruptcy business to the county courts.



"By clause 6 the judges of county courts are to exercise all the powers vested in and required of the commissioners in the district courts of bankruptcy. Besides these duties they have to discharge those belonging to their own courts, and for the two united they are to receive very inferior salaries to the commissioners in bankruptcy. The public, I fear, will therefore be apt to infer, either that the courts are inferior, and presided over by inferior judges, or that the business will be done in a less careful manner, which will necessarily lead to appeals (clauses 61, 74, 75) to the chief judge in London, to the waste of time and money; thus, in fact, bringing every case of difficulty, or in which delay is necessary to defeat justice, up to London for decision.

"By clause 106 all petitions for adjudication by traders not resident in the metropolitan district, whose debts do not exceed 300*l.*, may be filed in a county court; and by clause 119, on the vote of a majority in value of creditors, every bankruptcy, except those in the metropolitan district, may be administered in the county courts; so that after the passing of this act the county court will have full jurisdiction in bankruptcy, excepting for those in the metropolitan district, whether they be large or small. Let us inquire, then, what are the practical and every-day duties of a court of bankruptcy, and whether they can be properly discharged by the sixty county court judges and their 500 registrars sitting in the same number of country towns, where their courts are held.

- "1. The court has to take possession by its official assignee of the bankrupt's property, and to hold it safely.
- "2. To receive all monies, and to pay whatever may be necessary, which occasionally amounts to a considerable sum, and often requires considerable judgment and knowledge of business to decide upon, until the creditors' assignee is appointed.
- "3. To ascertain that the bankrupt gives up all his books, to take charge of them and to keep them safely, at the same time allowing the bankrupt free access to them, yet always under such supervision as to preclude the possibility of their being tampered with; and,
- "4. To provide a responsible messenger to take charge of and to remain in possession of the property at the debtor's place of business or residence.

"The present official assignees, having many estates under their charge, provide at their offices rooms for the safe custody and for the examination of the books, and clerks to see they are not altered or destroyed, and also proper and experienced messengers to take possession of property; and this extent of business enables them to keep their offices open at all reasonable times either to bankrupts or creditors, and secures the services of proper officers. In what manner will these important duties be performed when they are distributed among the 500 county court towns, besides those in which courts of bankruptcy are now established, each of which has a registrar, who is a solicitor, and who will become an official assignee?—and the bill provides for an increase in this number of court towns.

"There will be little more than one bankruptcy a year on an average to each court town, and from six to eight to each judge, if all the country bankruptcies are taken to county courts; but if any considerable portion go to the existing district courts, then the amount of business will be still less. What experience in the law of bankruptcy and procedure, or what knowledge of the ways of fraudulent bankrupts, or of the specialities of various trades, can be gained by the judge,

or the registrar, and his officers, with this small amount of business? What probability does it afford for the speedy and economical discharge of the duties to be performed? How are complicated accounts to be examined and unravelled by persons without experience either as accountants or men of business, and how frequent, therefore, will be the grounds of appeal to the chief judge in London? It has hitherto been a condition of appointment, that the official assignees should have been in business. The registrars of county courts are solicitors, mostly entirely unfit, from education and habits, either to prepare complicated balance sheets or temporarily to carry on a business."

It is right to add that Mr. Hawes expresses his approval of other parts of the bill, and particularly of the provisions for arrangements by deed, with the exception of the direction to publish the particulars in *The Gazette*. In this approval we are satisfied that he is mistaken, because arrangements by deed will never be adopted unless the parties feel secure from official interference; but by the 203rd section of the bill it is provided, that in every case of arrangement by deed the estate shall be administered, on the application of any party, as in bankruptcy; so that a deed of inspection would operate merely as a declaration of insolvency. In short, the effect of the clause is to declare that an arrangement between a debtor and his creditors for a composition, or for winding up under inspection, shall be impossible.

#### PUBLIC EXAMINATION OF STUDENTS.

TRINITY TERM, 1861.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations; and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No students shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Trinity Term, to which a student of any of the Inns of Court who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for exa-



mination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Thursday, the 9th day of May next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Thursday, the 16th day of May next, and will be continued on the Friday and Saturday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Thursday morning, the 16th May, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Friday morning, the 17th May, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Saturday morning, the 18th May, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects as those already marked out for the examination by printed questions, except that on Saturday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

**THE READER ON CONSTITUTIONAL LAW AND LEGAL HISTORY** will expect the candidates for honours to be well acquainted with the origin and progress of our Laws and Constitution as explained in chap. 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the most important provisions of the Great Charter (on which they will find an excellent commentary in Sullivan's Lectures, 39, 40, 41, 42, 43, pp. 343 to 381); with the chapters in Hallam's Constitutional History which contain an account of the Reigns of Henry VIII, Elizabeth, the Stuarts, William III, and Anne; with the State Trials of persons eminent in our history, from the time of Mary to the accession of Anne; with the

History of the Law of Treason, Libel, and of the Tenure of Land.

He refers those candidates especially to May's History; the first volume of Lord Clarendon's History; the 26th, 27th, 28th, and 29th chapters in the third volume of Lord Brougham's Political Philosophy; to the close of the 23rd chapter of Hume's History, vol. 3, p. 296, 8vo. ed., the passage beginning, "Thus have we pursued the History of England," &c.; to the third volume of Millar's History; to the Preface to Gilbert on Uses, by Lord St. Leonards; the Preface to the State Trials; the 33rd chapter of the fourth volume of Blackstone's Commentaries (edition in which the text is preserved); to the 6th chapter in the fourth volume of Kerr's Blackstone; chapters 1, 2, and 3 of Mr. Justice Foster's work on the Crown Law; to the second volume of Parliamentary History; to the State Trials, vol. 3, p. 826; vol. 8, p. 549; vol. 9, pp. 488, 817; and Vaughan's Reports, p. 135.

All candidates will be expected to know the principal events in English History from the Conquest to the Accession of George III; to have an accurate knowledge of the Reigns of the Stuart Kings, of Magna Charta, the Petition of Right, the Bill of Rights, the Law of Treason, and the Act of Settlement.

**THE READER ON EQUITY** proposes to examine in the following books:—

1. Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity, part 1.

2. The Cases and Notes contained in the first volume of White & Tudor's Leading Cases, and the following Cases in the second volume:—*Howe v. The Earl of Dartmouth*; *Peachy v. The Duke of Somerset*; and *Slooman v. Walter*, with the Notes on those Cases; the Act to further amend the Law of Property and to relieve Trustees, 22 & 23 Vict. c. 35; the Act to further amend the Law of Property, 23 & 24 Vict. c. 38, ss. 10, 11, 12; the General Orders of the Court of Chancery of the 1st February, 1861, and of the 5th February, 1861 (7 Jur., N. S., part 2, p. 58); Mitford on the Pleadings in the Court of Chancery—Introduction; c. 1, ss. 1, 2; c. 1, s. 3 (the first six pages); c. 2, s. 1; c. 2, s. 2, part 1 (the first three pages); c. 2, s. 2, part 2 (the first two pages); c. 2, s. 2, part 3; c. 3.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

**THE READER ON THE LAW OF REAL PROPERTY** proposes to examine in the following books and subjects:—

1. Joshua Williams on the Law of Real Property, 5th ed.

2. The Wills Acts, 1 Vict. c. 26, and 15 & 16 Vict. c. 24, and the Notes to those Acts in Hayes & Jarman's Concise Forms of Wills, 5th ed.

3. The Act 8 & 9 Vict. c. 106, and the Notes to that Act in Shelford's Real Property Statutes, 6th ed.

4. Uses and Trusts: *Chudleigh's* and *Tyrrrell's cases* in Tudor's Leading Cases in Conveyancing, pp. 200–276.

5. On Notice, as between Vendor and Purchaser: Sugden's Vendors and Purchasers, 13th ed., c. 23, s. 2; c. 24, ss. 1, 2; Dart's Vendors and Purchasers, 3rd ed., c. 15, s. 5.

Candidates for honours will be examined in all the foregoing books and subjects; candidates for a certificate in those under heads 1, 2, and 3.

**THE READER ON JURISPRUDENCE AND THE CIVIL LAW** proposes to examine candidates for honours in the following books and subjects:—

1. The second and third books of the Institutes of Justinian, with the Notes in Sandars's edition, or the Observations in Cumin's Manual.

2. The Roman Law of Obligation (excluding the Obligations arising from Delict), as set forth in Warnkönig's *Institutiones Juris Romani Privati*, book 3, cc. 1-5.

3. Wheaton's International Law, "Rights of War as to Neutrals," part 4, c. 3.

Candidates for a certificate will be examined in—

1. The second and third books of the Institutes of Justinian, with the Notes in Sandars's edition, or the Observations in Cumin's Manual.

3. Wheaton's International Law, "Rights of War as to Neutrals," part 4, c. 3.

The READER on COMMON LAW proposes to examine in the following books and subjects:—

Candidates for a pass certificate will be examined as to—

1. The Proceedings in an Action (Stephen on Pleading, 6th ed., c. 1, pp. 3-114), and in connexion therewith, sects. 1-40 of the Common-law Procedure Act, 1852.

2. The Nature of Simple Contracts, Written Contracts, and the Statute of Frauds (sects. 4 and 17), as treated of in Lectures 2-5 inclusive of Mr. Smith's Treatise on the Law of Contracts, 3rd ed.

3. Stephen's Commentaries, 4th ed., book 5, "Of Civil Injuries," cc. 1 and 7-9 inclusive.

4. The Elements of Criminal Law, as set forth in Broom's Commentaries, 2nd ed., book 4.

Candidates for the studentship or honours will be examined in the subjects above mentioned, and also as to—

5. The Principal Rules of Pleading (Stephen on Pleading, 6th ed., c. 2, pp. 115-262).

6. Smith's Comp. Merc. Law, 6th ed., book 1, so far as regards "Partnerships," "Corporations," and "Principal and Agent."

7. The following cases:—

(a) Law of Contracts: *Lamplough v. Brathwaite* (1 Smith's L. C. 118, 4th ed.); *Blake's case* (6 Rep. 43); *Emmens v. Elderton* (4 H. L. C. 624); and *Cornfoot v. Fowke* (6 M. & W. 358).

(b) Law of Torts: *Coggs v. Bernard* (1 Smith's L. C. 147, 4th ed.); *Armory v. Delamirie* (Id. 256); and *Mostyn v. Fabrigas* (Id. 528).

(c) Criminal Law: *Mackalley's case* (9 Rep. 61); *Reg. v. Bryan* (Dears. & B. 265); *Reg. v. Thurborn* (1 Den. C. C. 387); and 20 & 21 Vict. c. 54 (the Fraudulent Trustees Act).

By order of the Council,

RICHARD BETHELL, Chairman.

## THE EXTRADITION CASE.

THE fugitive slave, Anderson, has been brought up before the Court of Common Pleas in Canada by habeas corpus, and been discharged out of custody by that Court, after a few days' time taken for consideration. We take the material parts of the judgment from *The Toronto Globe* of the 18th February, 1861:—

DRAPER, C. J., said—The prisoner is brought before us on a writ of habeas corpus directed to the sheriff of the county of Brant. The return of that officer shows that the prisoner was committed and is detained inclusively for the following causes:—First, upon a warrant by three justices, stating that he was charged, for that he, the said John Anderson, did, in Howard county, in the State of Missouri, on the 28th September, 1853, wilfully, maliciously, and feloniously stab and kill one Seneca T. P. Digges, of Howard county. Secondly, upon a rule of the Court of Queen's Bench of Upper Canada, on a habeas corpus, ordering that the said John Anderson be recommitted to the custody of the keeper of the gaol of

Brant upon the warrant by which he hath been by him detained, to remain in the common gaol of the said county of Brant until a warrant should issue from the proper authorities of the United States of America, or of the State of Missouri, for the surrender of the said John Anderson, to be tried in that State for the murder of one Seneca T. P. Digges, according to the treaty between her Majesty and the United States of America, recited in the statute of Canada passed in the 23 Vict. c. 89, or until he shall be discharged according to law. The objections taken to the warrant of commitment were—

First, that it did not contain a charge of murder, but merely of felonious homicide; whereas the treaty and our statute do not authorise a surrender, and consequently not a commitment for the purpose of surrender, for any homicide not expressed to be murder.

Secondly, that it was not expressed to be for the purpose of surrender, but only until the prisoner should be discharged by due course of law, whereas the statute requires both.

Thirdly, that the magistrates had no jurisdiction unless and until the prisoner had been charged with the crime in the foreign country where it was alleged to have been committed.

It was objected to the rule of the Court of Queen's Bench that none of our tribunals, judges, or magistrates had any inherent or original jurisdiction over crimes committed in a foreign country: that the only authority in such cases is derived from the statute passed for carrying the treaty into effect; and by that statute, though power is given to judges and justices of the peace, it is given for certain specified purposes, and the courts of which the judges may be members are not empowered to do any one of the acts to effectuate the treaty.

During the argument it was further suggested that the statute makes the decision of the judge or justice of the peace, upon the sufficiency of the evidence to require or justify the commitment of the prisoner, conclusive, so far as that it cannot be revived by any other judge or court, though not necessarily conclusive on the Government, whose duty it will still be to decide, upon a review of all the circumstances, whether they will surrender the prisoner.

As to the matters appearing on the return to the certiorari, the objections may be classed under two general heads.

First, the insufficiency of the evidence to establish a case of murder.

Secondly, that enough appears to shew that, according to the laws of the province, the prisoner had not committed murder.

Upon the face of the warrant, and of the rule of the Court of Queen's Bench, it sufficiently appears that there is no jurisdiction in the province to try the prisoner on the charge stated.

The 1st section of an act passed in May, 1849 (Consolidated Statutes of Canada, cap. 89), reads thus:—"Upon complaint made, under oath or affirmation, charging any persons found within the limits of the province with having committed, within the jurisdiction of the United States of America, or any of the said States, any of the crimes enumerated or provided by the said treaty, any of the judges of any of her Majesty's superior courts in the province, or any of her Majesty's justices of the peace in the same, may issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or such justice of the peace, to the end that the evidence of criminality may be heard and considered; and if at such hearing the evidence be deemed sufficient by him to sustain the charge according to the laws of this province, if the alleged offence had been committed herein, he shall certify the same, together with a copy of all the testimony taken before him, to the Governor, that a warrant may issue, upon a requisition by the proper authorities of the said United States, for the surrender of such person, according to the stipulation of the said treaty; and the said judge or justice of the peace shall issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until such surrender be made, or until such person be discharged according to the law."

It is plain from this section that the proceedings for the arrest of a party, with a view to his surrender, may be commenced in this province, and the party so charged, i. e. upon complaint made before any judge or justice of the peace, may be committed, to remain in prison until such surrender be made. The third objection to the warrant appears, therefore, to want foundation.

The crimes specified in the treaty are murder, piracy, arson, and forgery, or the utterance of forged paper.

The warrant of commitment states that the prisoner is charged, for that he did wilfully, maliciously, and feloniously stab and kill one Seneca T. P. Digges.

This would be an insufficient statement, in an indictment for murder, in any of our courts, because it is equally indispensable to use the artificial term "murder" as it is to state that the offence was committed "malice aforethought." So much so, that, by the omission of either one or the other, the accused would be liable to no more than a conviction for manslaughter. But for the word "kill," this warrant would rather charge a malicious stabbing than any other felony, while the same word "kill" excludes the possibility of treating the warrant as provided on a charge of assault with intent to murder. It is true, that in the same warrant the same particularity is not requisite as in an indictment; and it is said, in effect (1 Hale, 122), that it need only contain the special nature of the felony briefly, as "for felony for the death of J. S.; and the reason is, that it may appear to the judges of the King's Bench, upon habeas corpus, whether it be for felony or not." But this rule, and the reason for it, do not govern a case like the present, where the jurisdiction does not extend to all felonious homicides, but is, on the contrary, limited to one kind of homicide, expressed by its technical name "murder." In the execution of a statutory power thus limited, the words of the statute should, I think, be adhered to, in order that, to adopt the language as above quoted, it may appear to the judges, upon habeas corpus, whether the offence charged be within the statute or no. In my opinion, therefore, the warrant is defective in not stating that the prisoner was charged with murder.

The next objection to the warrant of commitment is the omission in the conclusion to direct that the prisoner shall remain in gaol until his surrender upon the requisition of the proper authorities, or until he should be discharged according to law.

It is laid down as a general rule, deducible from and confirmed by numerous authorities, that where a man is committed in pursuance of a special authority, the terms of the commitment must be special, and must exactly pursue that authority. (*Mash's case*, 2 W. Bl. 805; *Voxley's case*, 1 Salk. 351; *Bracy's case*, 1 Ld. Raym. 98; *Hollinshead's case*, 1 Salk. 351; *Baldwin v. Blackmore*, 1 Burr. 602; *Re v. Brown*, 8 T. R. 26; *Re v. Remnant*, 5 T. R. 169; 2 Leach, 583; *Re v. York*, 5 Burr. 2684; *Müller's case*, 2 W. Bl. 861).

The case most resembling the present as to this point is that of *Ex parte Besset* (6 Q. B. 481), where one Besset was brought up on a habeas corpus, and the return shewed that he was committed by a warrant from the Lord Mayor of London, under the authority of the British statute 6 & 7 Vict. c. 75, which was passed to give effect to a convention between Great Britain and France, closely resembling that between Great Britain and the United States. The objection taken to the commitment was, that it concluded, "and here safely kept until he shall be discharged by due course of law." The authority given by the act was to commit the person so accused to "gaol, there to remain until delivered pursuant to such requisition as aforesaid." The court held the objection fatal, and discharged the prisoner.

Our statute directs that the judge or justice of the peace "shall issue his warrant for the commitment of the person so charged to the proper gaol, there to be remanded until such surrender be made, or until such person be discharged by due course of law." Unless it can be held that the latter words include or are equivalent to the former, this case cannot be distinguished from that of *Ex parte Besset*. But we are bound to give effect to every word in the act, and it is too obvious to require argument that the Legislature meant to provide for the surrender of the prisoner, and for his discharge if his surrender was not duly required; with that view they made the double provision, some part of which has been overlooked and omitted in the warrant. I consider the warrant of commitment defective on this ground also.

The rule of the Court of Queen's Bench, however, which is returned to us as one of the causes of the prisoner's detention, is free from every objection of this character; and if the court had authority to make such a rule, it affords a complete answer to the application for the prisoner's discharge, unless upon the broader questions raised, which involve the

discussion of principles of the highest character. But this rule is objected to as being beyond the power of the court, and I enter, somewhat unwillingly, upon its consideration. We are in effect called upon to review and supersede the action of a court of co-ordinate jurisdiction, and not in an appellate, but in an ordinary character. But we have no alternative, for the prisoner has a right to the benefit of our opinion if it should be in his favour.

There can be no doubt as to the authority of the court, when a prisoner charged with felony is brought before them on a writ of habeas corpus, to look not merely at the commitment, but also at the depositions, before they either bail or discharge him, in order to see whether there is sufficient evidence to detain him in custody; and it is said in *Re v. Horner* (1 Leach, 270)—"The court in such a case never gave a judgment whether the facts amount to felony or not, but merely whether enough is charged to justify the detention of the prisoner, and put him upon his trial." (*Re v. Marsh*, 3 East, 157; *Ex parte Page*, 1 B. & Al. 588; *Re v. Gordon*, Id. 572; *Reg. v. Richards*, 5 Q. B. 926; *Ex parte Cross*, 2 H. & Norm. 354; *In re Smith*, 3 H. & Norm. 227).

The effect of the rule in question is, either to remand the prisoner on the magistrates' warrant, or to commit him by the authority of the court alone. Now, the rule does not profess to amend the warrant, and therefore the imprisonment rests on the inherent authority of the court alone.

This point merits full examination. We have the advantage of the decision already mentioned in the case of *Ex parte Besset*, which was not adverted to by any one concerned in the matter until after the writ on which the prisoner is now before us was issued.

Unless there be a difference between the British act and our own sufficient to create a solid distinction, this case is, in my opinion, decisive; and I perceive no difference worthy of notice, except that in the British statute justices of the peace, and other persons having power to commit for trial persons accused of crime, are empowered to take the proceedings pointed out against the supposed offender; while in our act any judge of the superior courts in this province, or any justice of the peace within the same, may do so. It cannot, I think, be successfully contended that these words confer any new power on the superior courts, though they do so expressly on the individual judges.

It is true, it does not appear in *Ex parte Besset* that the depositions were before the court; I infer they were not; but the language used by the judges expresses their opinion that they had no authority to look at them for the purpose of supplying any defect in the warrant.

The result is, that, in my opinion, the return of the writ of habeas corpus shews no sufficient ground for the prisoner's detention. He ought, therefore, to be discharged; and whatever conclusion I might arrive at on the more general grounds urged in his behalf, the result would be the same.

RICHARDS, J., said—There is no doubt that if the offence charged is not murder, then the prisoner must be discharged; and it is equally certain that the statute prescribes, that if the magistrates deemed the evidence sufficient to sustain the charge, they ought, amongst other things, to have committed the prisoner to the proper gaol, there to remain until he was surrendered, or until he was discharged according to law. If it had been charged against the prisoner that he did wilfully and feloniously stab and kill Seneca T. P. Digges, this would only be a charge of manslaughter. Does, then, the introducing the word "maliciously" into the charge shew that the prisoner is charged with the crime of murder? Two essential ingredients seem still wanting to make the charge clearly that of murder, viz. that the malice should have been aforethought, and the killing should have been alleged to be murder. The general definition of manslaughter being "the felonious killing of another without malice, expressed or implied," it would seem that the allegation that the prisoner did maliciously stab and kill Digges would afford a strong argument that the charge was not one of manslaughter. But the omission to charge the malice as "aforethought" may in the same way be urged to support the proposition that the charge is not for murder, which it ought to be to justify the prisoner's detention. As this proceeding is one taken under the statute, it can only be sustained so far as it is in accordance with the act. The words of Ashburton, J., in *Re v. Judd* (3 T. R. 256) seem to me peculiarly applicable. He says, "Whatever words the Legislature used, we must sup-

pose that they knew the meaning of them; and if a justice uses the same words, we are bound to suppose that he intended them in the same sense, but if he makes use of other words he must be more precise." Here the justices have made use of other words, and as they are not more precise on this point, though not entirely free from doubt, I think the warrant bad.

As to the next objection, the omission in the commitment to direct that the prisoner should remain in gaol until the surrender should be made as required by the statute, *Besset's case* (8 Q. B. 481) is a strong authority in favour of the prisoner, and, unless we are prepared to overrule that case, we must consider this objection fatal. In *Mash's case* (2 W. Bl. 806) the doctrine, as to the necessity of inserting the words "until delivered by due course of law," is clearly laid down. But the omission of the words referred to suggest to my mind a still graver difficulty, and not one of a merely technical character. There is nothing before us to shew that the magistrates, "after hearing and considering the evidence of criminality," deemed the same sufficient to sustain the charge. That fact has not been certified to us, though it may have been to the Governor; and the statute says distinctly, that if, on the hearing the evidence, it be deemed sufficient by him (the magistrate) to sustain the charge, he shall, in addition to certifying the same, &c., issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until such surrender be made, or until such person be discharged according to law. If, then, the committing justice or justices deemed the evidence sufficient to sustain the charge, the prisoner ought to have been committed for the purpose of being surrendered. If they did not declare that they had so committed him, what evidence have we that their adjudication was unfavourable to the prisoner? The only proper way of proving that they had so decided in this case, in the way it is now before us, is by shewing that they had issued such a warrant as the statute requires to follow from such a decision. The warrant shewn does not do this, and the omission is an important part of it. I cannot say that I have any doubt that the warrant is bad on this ground.

The next point for consideration is, whether the order of the Court of Queen's Bench, recommitting the prisoner to the custody of the gaoler of the county of Brant until a warrant shall issue for the surrender of the prisoner to be tried in the State of Missouri for the murder of Digges, &c., supplies the deficiencies in the former warrant, and makes his present detention lawful. No doubt, if any offence against the law of the Queen, and triable by our laws, appeared sufficiently made out against a prisoner seeking his discharge on a habeas corpus, though the warrant of commitment was defective, the court, in its discretion, might order his detention for trial, because, under these circumstances, there would be no doubt of their jurisdiction as a court over the offence. But here there is no jurisdiction given to the court, as such, to commit the prisoner to be surrendered. That must be done by the justice or judge who may have heard and considered the evidence of criminality. Any one of the judges of the superior courts undoubtedly has power under the statute to issue a warrant, and bring the party accused before him, and to consider the evidence of criminality, in the same way as a justice of the peace. But this power is only bestowed on the judges individually; it is not known to the court as such. Having arrived at the conclusion that the prisoner is entitled to his discharge on the objections taken to the form of the warrant, I do not think we ought to detain him in custody until the Court are prepared to decide the other questions raised upon the argument, which we are not in a position to do at present.

HAGARTY, J., said—I am of opinion that our provincial statute allows the proceedings to be commenced by the complainant on oath before the justice of the peace, without proof of a charge pending in the foreign State. Whatever may be our view of the offence apparent in the depositions, I think we are bound to see if the prisoner be detained on a charge which the statutable authority, the examining justice, has deemed sufficiently sustained as to some one of the crimes mentioned in the extradition treaty; and if it do not appear that such (quasi) adjudication has been already made by such authority, I do not understand that either of the superior courts can assume the task of examining the depositions, and judge them sufficient to sustain the charge. That duty, I think, is cast elsewhere, and must be performed by the

committing justice. He is to be satisfied that one of the statutable offences is made out, and he must certify the result at which he has arrived. It is not that the Court may think his materials warranted his arriving thereat, or that he should have done so. He must do so himself, and we cannot, I think, do it for him. He must declare, in unequivocal language, that a charge, for example, of murder is made out. The statute directs him to certify his finding, with a copy of the testimony, to the Governor; and I presume it then rests with the Queen's Government, on a view of the case, to assume the responsibility of further action. In the absence of a positive finding by the justice as to the sufficiency of the evidence to sustain one of the statutable offences, I am of opinion that the whole case fails, and that no legal authority exists to correct or supply the defect. In this case the only evidence before us of any such finding is the warrant. The charge there expressed is, that the prisoner, in a foreign country, "wilfully, maliciously, and feloniously stabbed and killed Digges." Does this clearly declare a crime under the extradition treaty, viz. murder? I am of opinion that the magistrate had no right to substitute any words of his own if he intended to commit for a well-known crime mentioned by a well-known name in the treaty, and require us to assume that he meant the crime of murder by these expressions. It is abundantly clear that an indictment for murder so worded would be bad; and although the introduction of the word "maliciously" would be unsuitable in an indictment for manslaughter, I do not see how that can help the case. In commitments for trial for offences in our own country the depositions can be referred to if the warrant be defective, and if they shew substantially what the crime is, they can be still detained. The case cited of *Rex v. Marsh*, and subsequent authorities, amply support this. (*Rex v. Remnant*, 5 T. R. 16; *Ex parte Bartlett*, 7 Jur. 649). It is readily conceded that a commitment need not be so certain as an indictment, but it ought to be sufficiently certain to shew that an offence has been committed in the ordinary case, and that it would mean an offence cognisable by our courts here; it must distinctly shew one of the statutable crimes; and if my view be correct, we cannot seek to gather that result from the evidence, as the statute throws that duty on the committing justice. (*Rex v. Judd*, 2 T. R. 256; 5 T. R. 869). It seems to me, that from the nature of this proceeding, all reasonable particularity should be required in the instrument under which the prisoner is detained, that nothing should be left to conjecture, and that the charge should be explicit, and independent of all aid from the depositions. I think we are far from insisting on mere technical exactness in requiring every person intended to be charged with murder to have the crime named as such; its universal and indispensable description in indictments does not intend against the prisoner that murder is charged by words which in an indictment could only warrant a conviction for manslaughter, if good even for that lesser crime. If this Court cannot look at the depositions to support this warrant, the necessity of a strict construction of the latter is indispensable. The warrant or authority to declare is, as it were, the indictment or legal record of the prisoner's crime, so far, at least, as this country is concerned. The case of *Besset* seems to indicate the opinions of the Court, that they could not look beyond the warrant. Murder is emphatically, as the books call it, "a term of art;" and I am not willing to dispense with its presence in a document of such overwhelming importance to this prisoner's life and liberty as this warrant necessarily is under the construction given to it, and to the Court's jurisdiction over it, by the case just cited. I am also of opinion that the conclusion of the warrant is defective, although our provincial act had the alternative which the statute governing *Besset's case* had not. The statute directs a commitment to gaol for a special purpose, viz. extradition, and not as in a common case of an indictable offence, where the legal deliverance shall surely come as a gaol delivery. I think that the commitment should have strictly pursued the words of the act, which alone gave it any authority. I do not consider that the order of the Court of Queen's Bench affects the right of the prisoner to ask his discharge from a court of co-ordinate jurisdiction; he now stands remanded on the original warrant, not as in *Rex v. Marsh*, discharged from custody on the defective warrant, and committed by the court of its original authority. If the warrant be bad, everything falls with it.

**JOHN BRIDGER**, Florence-terrace, New Cross-road, Deptford, Kent, grocer, March 19 at 12, and April 17 at 1, London: Off. Ass. Graham; Sol. Poddell, 82, Cheapside.—Pet. f. March 8.

**HENRY CLENCH**, High-street, Newington Butts, Surrey, milliner, March 26 at half-past 12, and April 23 at 12, London: Off. Ass. Stansfeld; Sols. Lawrence & Co., 12, Bread-street, London.—Pet. f. March 11.

**JONATHAN PAYNE**, Milton-street, Dorset-square, Middlesex, horse dealer, March 25 and April 27 at 12, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.—Pet. f. March 9.

**EDWIN INGRAM**, Bilston, Staffordshire, grocer, March 22 and April 18 at 11, Birmingham: Off. Ass. Kinnear; Sols. Southall & Nelson, Birmingham.—Pet. d. March 9.

**WILLIAM BALLINGER**, Swansea, Glamorganshire, maltster, March 26 and April 23 at 11, Bristol: Off. Ass. Miller; Sol. Taddy, Bristol.—Pet. f. March 9.

**JONATHAN HAINSWORTH**, Halifax, Yorkshire, plumber, March 22 and April 26 at 11, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax; Bond & Barwick, Leeds.—Pet. d. and f. March 8.

**THOMAS FLEMING**, Halifax, Yorkshire, manufacturer, March 25 and April 22 at 11, Leeds: Off. Ass. Hope; Sols. Holroyde & Cronhelm, Halifax; Bond & Barwick, Leeds.—Pet. d. March 11.

**JOSEPH SUTCLIFFE**, Scarborough, Yorkshire, upholsterer, March 25 and April 22 at 11, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds; Lawrence & Co., Bread-street, London.—Pet. d. March 2.

**SIMON JONAS ROSENTHAL** and **HENRY SIMON ROSENTHAL**, Liverpool, billiard-table proprietors, March 22 and April 11 at 11, Liverpool: Off. Ass. Morgan; Sol. Thoraley, Liverpool.—Pet. f. March 6.

**ALEXANDER BRYCE** and **JAMES SHUTTLEWOOD** OSWIN, Manchester, merchants (in co-partnership with George Carr and James Pearson, of New York, under the firm of Bryce, Oswin, & Co.), March 27 and April 17 at 12, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Pet. f. March 7.

**HARRY RAWSON**, Manchester, stationer, (carrying on business with John Johnson, as printers, under the firm of Johnson & Rawson, and at Whitebrook, Monmouthshire, with George Courthope Green and Charles William Green, as paper manufacturers, under the firm of Green, Rawson, & Co.), March 27 and April 18 at 12, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. March 8.

**JAMES RICHARD HORNER**, Ashton-under-Lyne, Lancashire, corn merchant, April 4 and 18 at 12, Manchester: Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. March 7.

#### MEETINGS.

*Augustus Pickett*, Brighton, Sussex, coal merchant, April 5 at 12, London, last ex.—*Thomas Whitaker Pringle*, Blyth, Nottinghamshire, draper, March 25 at 2, London, last ex.—*Theophilus Kirkham*, Leadenhall-street, City, East India merchant, March 22 at half-past 11, London, aud. ac.—*Thomas Henry Larmuth*, Tunbridge Wells, Kent, bookseller, March 22 at 2, London, aud. ac.—*Thomas Jones*, Northampton, victualler, March 22 at 1, London, aud. ac.—*William Antony Freston*, Maesteg, Glamorganshire, ironmaster, April 11 at 11, Bristol, aud. ac.—*Samuel Young*, Birmingham, licensed victualler, March 26 at 11, Birmingham, aud. ac.—*Jeremiah Winks*, Newcastle-upon-Tyne, wine merchant, March 22 at 11, Newcastle-upon-Tyne, aud. ac.—*John Aldersey* the younger, Liverpool, broker, March 22 at 12, Liverpool, aud. ac.—*James Forster*, Liverpool, filter merchant, March 22 at 12, Liverpool, aud. ac.—*Clifford Forth* and *John Archer*, Liverpool, brokers, March 22 at 12, Liverpool, aud. ac.—*George Steddall Wright* and *John Wright*, Liverpool, brewers, March 22 at 12, Liverpool, aud. ac.—*Wm. George Young*, Bangor, Carnarvonshire, brewer, March 22 at 12, Liverpool, aud. ac.—*Giles Francis Henry* and *Henry John Chambers*, Liverpool, vinegar brewers, March 23 at 12, Liverpool, aud. ac. sep. est. of *Henry John Chambers*.—*William Fozz*, Gwersyllt, Denbighshire, ironmaster, March 22 at 12, Liverpool, aud. ac.—*John Jardine*, Liverpool, merchant and shipowner, March 22 at 12, Liverpool, aud. ac.—*William Simpson More*, Liverpool, share broker, March 22 at 11, Liverpool, aud. ac.; April 5 at 11, div.—*John Cadman*, Upholland and Bellinge, Lancashire, brick

maker, March 22 at 11, Liverpool, aud. ac.—*John Heath Barber* and *William Henry Ellis*, Liverpool, iron merchants, March 22 at 11, Liverpool, aud. ac. joint est.; March 23 at 11, aud. ac. sep. ests.—*John Kiddell Dawson*, Liverpool, wine merchant, March 22 at 11, Liverpool, aud. ac.—*William Seabrook Chaikley*, Liverpool, shipowner, March 22 at 11, Liverpool, aud. ac.—*Joseph Edward Blech*, Liverpool, shipbroker, March 22 at 11, Liverpool, aud. ac.—*John Scott* the younger and *Richard Woodsward Powell*, Liverpool, tea merchants, March 22 at 11, Liverpool, aud. ac. joint est.; March 23 at 11, aud. act. sep. est. of *R. W. Powell*.—*Thomas Chaffer* and *Benjamin Chaffer*, Liverpool, stone merchants, March 22 at 11, Liverpool, aud. ac. joint est.; March 23 at 11, aud. ac. sep. ests.—*William Potter*, Birkenhead and Liverpool, merchant, March 23 at 11, Liverpool, aud. ac.—*Thomas Mellor* and *Samuel Eason*, Liverpool, merchants, March 23 at 11, Liverpool, aud. ac. sep. est. of *T. Mellor*.—*Thomas Barnes Vaughan*, Poultoncum-Spittal, Cheshire, farmer, March 23 at 11, Liverpool, aud. ac.—*David Kay*, Liverpool, flour dealer, March 23 at 11, Liverpool, aud. ac.—*John Wood*, Birkenhead, Cheshire, licensed victualler, March 23 at 11, Liverpool, aud. ac.—*Chamney Leicester* and *John Eccles Littleboy*, Liverpool, corn merchants, March 23 at 11, Liverpool, aud. ac. sep. est. of *C. Leicester*.—*John Stopford Taylor*, Liverpool, apothecary, March 23 at 11, Liverpool, aud. ac.—*William Tyson*, Liverpool, corn dealer, March 23 at 11, Liverpool, aud. ac.—*David Sillar* and *John Charles Sillar*, Liverpool, and Shanghai, China, merchants, March 23 at 11, Liverpool, aud. ac.—*Thomas Hindle*, Everton, near Liverpool, builder, March 23 at 11, Liverpool, aud. ac.—*Hugh Mackay* and *William Bishton Davies*, Liverpool, shipwrights, March 23 at 11, Liverpool, aud. ac.—*Eliezer Timewell*, Kirkdale, Lancashire, cart owner, March 23 at 11, Liverpool, aud. ac.—*William Trecedie*, Liverpool, colourman, March 23 at 11, Liverpool, aud. ac.—*Matthias Wood*, Barnsley, Yorkshire, plumber, April 16 at 11, Leeds, aud. ac.—*James Broad*, Drury-lane, Middlesex, coach ironmonger, April 3 at 12, London, div.—*Alfred Aubert* and *Champney Powell*, St. Mary-axe, City, shipbrokers, April 5 at 1, London, div. sep. est. of *A. Aubert*.—*Cleeve W. Hooper* and *Henry Parkinson*, Seething-lake, City, leather factors, April 4 at 12, London, div. sep. est. of *Henry Parkinson*.—*Wm. Porteous*, Brighton, Sussex, linen draper, April 4 at 12, London, div.—*Wm. Cook* the elder, Great Harrowden, Northamptonshire, farmer, April 4 at half-past 11, London, div.—*Wm. Mullett*, Brookland, near Romney, Kent, grocer, April 4 at 11, London, div.—*Benjamin F. Burton*, Nottingham, timber merchant, April 4 at 11, Nottingham, div.—*Chas. Allen*, Risca, Monmouthshire, grocer, April 4 at 11, Bristol, second and fin. div.—*Vincent Allen*, Newport, Monmouthshire, draper, April 4 at 11, Bristol, fin. div.—*Moses Hindle Burrows*, Wakefield, Yorkshire, worsted spinner, April 16 at 11, Leeds, div.—*Samuel Hammond*, Leeds, Yorkshire, flax spinner, April 16 at 11, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Charles J. Cudby*, Goldington-street, St. Pancras, Middlesex, grocer, April 3 at 2, London.—*John Jennings*, Gough-square, Fleet-street, London, printer, April 4 at half-past 11, London.—*Henry S. Rogers*, Strand, and Haverstock-hill, Middlesex, importer of foreign goods, April 4 at 11, London.—*George Kelland* the younger, Lancaster, grocer, May 2 at 12, Manchester.—*George Pacey*, Birmingham and Edgbaston, Warwickshire, general factor, April 18 at 11, Birmingham.—*James Griffiths* and *Thomas Tymmins*, Oldbury, Worcestershire, licensed victuallers, May 24 at 11, Birmingham.—*Thomas Dallow* and *Henry Biggs*, Wolverhampton, Staffordshire, tin-plate workers, April 18 at 11, Birmingham.—*Mary Wood*, Burnatwood, Staffordshire, innkeeper, April 18 at 11, Birmingham.—*Richard Farrall*, Kidsgrove, Staffordshire, grocer, April 19 at 11, Birmingham.—*S. Young*, Birmingham, licensed victualler, April 19 at 11, Birmingham.—*John Stanton*, Liverpool, china dealer, April 5 at 12, Liverpool.—*Richard W. Powell*, Liverpool, tea merchant, April 8 at 11, Liverpool.

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*Thomas Pain* and *W. Rawlins*, Winchester and Whitechurch, Hampshire, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Andrew Meldrum*, jun., deceased, Huntly, draper.—*John Eakdale*, Kelso, cattle salesman.—*Thomas Whyte*, Dundee, grocer.—*John Weir*, Falkirk, draper.—*David Gibson*, Glasgow, cabinet maker.—*Sinclair Sutherland*, Little Byth and Strathwapple, Aberdour, Aberdeenshire, farmer.—*Robert Paul*, Dumfries, writer.—*William Cook*, Stornoway, Ross-shire, shipbuilder.—*Staig & Stuart*, Kirkcaldy, merchants.—*James Craigen*, Aberdeen, auctioneer.—*Thomas McCall*, Hamilton, Lanarkshire, grocer.—*John Farquhar Mackay*, Glasgow, underwriter.—*Duncan Sinclair*, deceased, Comrie,

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THE JURIST.

LONDON, MARCH 23, 1861.

In a former article we stated it to be our opinion that the decision of the Lords Justices in *Alexander v. Brame* (1 Jur., N. S., part 1, p. 1032; 7 De G., Mac., & G. 384), reversing the decision of Sir J. Romilly, M. R., went far to repeal, or at any rate to render useless, the provisions of the 9 Geo. 2, c. 36, commonly called the Mortmain Act. We observed, that assuming *Alexander v. Brame* to be rightly decided, it was clear that the law was in a very anomalous state, and that even where no evasion of the Mortmain Act was intended, the Legislature would act wisely by extending its operations, so as to prevent the repetition of such cases as *Alexander v. Brame*.

We are glad to see that the decision of the Lords Justices has been reversed by the House of Lords (nom. *Jeffries v. Alexander*, 7 Jur., N. S., part 1, p. 221), and that the 9 Geo. 2, c. 36, after having exercised for a century and a quarter so beneficial an influence in this country, has not undergone what would in fact have amounted to a judicial repeal. With a view to an examination of the decision of the House of Lords, we will again briefly call attention to the facts of the case. A Mr. Brame about five years before his death executed a deed of covenant (containing no power of revocation), whereby he covenanted with a Mr. Alexander, that he would in his lifetime, or that his exe-

cutors should within twelve months after his decease (but subject and without prejudice to the payment and discharge out of his assets of all his debts, funeral and testamentary expenses, and of any bequest he might make by his will, or any codicil thereto), invest 60,000*l.* in Consols, in the names of trustees, to be held by them upon certain charitable trusts. The deed was not enrolled. The property left by the covenantor at his death consisted almost entirely of personalty savouring of realty—mortgages for terms of years. The common-law judges, who attended to assist the House of Lords, were equally divided in their opinions upon the question submitted to them by the House, viz. assuming the validity of the deed of covenant, whether the sum of 60,000*l.* was payable from the proceeds of the chattels real of the covenantor, there being no other assets from which the payment could be made? The majority, however, of the House of Lords, consisting of the Lord Chancellor (Lord Campbell), Lord St. Leonards, and Lord Kingsdown (Lord Cranworth and Lord Wensleydale dissenting), determined the question in the negative, and consequently reversed the decision of the Lords Justices.

It was admitted by all their Lordships that the deed of covenant was valid, and that the covenant might have been enforced against pure personalty. Lord Cranworth, and also Lord Wensleydale, considered it as purely a legal question, and that the statute did not prohibit such a covenant being enforced at law against real estate, or assets partaking of the nature

of realty; that it did not amount to a "gift" within the meaning of the act, nor yet to a "charge" on land, for no charge was created by the covenantor in his lifetime, nor did one arise upon his death. Lord Cranworth even thought that the enforcing of such a covenant would not enable persons to defeat the provisions of the statute. Lord Wensleydale thought it unnecessary to inquire whether the result of the decision, if in affirmance of the decree of the Lords Justices, would be that the statute would be extensively evaded or not. His Lordship, however, made one very important admission, which, with great submission, we think might have led him to a conclusion differing from that at which he ultimately arrived. He said, "that if it could be shewn that the real intention of the parties to such an instrument was different from that expressed, and was to affect the real estate, and the instrument was only a contrivance, or, as it is usually said, a machinery, to effect the object of taking mortgage terms, and handing them over to the trustees of the charity, it might be treated as in effect a gift or charge upon the real estate, and, being such, it would be avoided by the statute." The Lord Chancellor, Lord St. Leonards, and Lord Kingsdown were clearly of opinion that the covenant could not be enforced against the chattels real of the covenantor. Lord St. Leonards considered it clear upon the evidence that the covenantor meant specifically that the mortgages should remain after his death a fund to answer the charitable uses; and that being his intention, he could not do indirectly by deed what he confessedly could not effect by means of his will. He entirely differed from Lords Cranworth and Wensleydale, who thought the question might be determined at law, as, in his opinion, it depended upon the doctrines of equity, which, in the administration of the assets of the testator, would look at the whole nature of the transaction, and would consider the sum secured by the covenant not merely as debt, but in the nature of a legacy; and, looking at it as a legacy, it was clear upon the authorities that it was void, so far as it was payable out of chattels real. Lord Kingsdown took, if anything, a still stronger view against the covenant, which he looked upon not merely as a contrivance to evade the statute, and defeat the policy of the law, but he thought the mode of doing it—the act as well as the intention—was "in the teeth of the statute;" and he added, that he could not but think *that if such devise was to take effect, the statute would be a dead letter.*

We rejoice to observe that Lord St. Leonards, Lord Kingsdown, and the Lord Chancellor expressed themselves very strongly in favour of the policy of the act of the 9 Geo. 2, c. 36, especially as there are some persons who disapprove of it, and think it should be repealed. The Lord Chancellor, moreover, as appears from his judgment, is in favour of extending it to all personal property; and we think most justly so too; for, if we admit the good policy of that protection which the act affords against the improvident disposition, by languishing and dying persons, of property of one kind, we cannot, with any shew of reason, refuse to extend it to property of other kinds. The act does

not, be it ever borne in mind, prevent the disposition of property of any kind to charitable purposes; it merely regulates the mode in which it shall be given. No person, therefore, can complain that the law prevents him from being charitable now, as to one kind of property; nor as to all kinds of property (if the law was extended as proposed by the Lord Chancellor). All the charitable individual would have to do would be to comply with the requisitions of the law, and he might, if he so willed it, denude himself of all he possessed in the world. Those provisions, however, are such as experience has told us are well calculated to prevent undue influence at a time when a man, from various motives, is most likely to succumb to it, while they give sufficient scope to the well-considered and judicious exercise of real charity.

Other observations of the Lord Chancellor in giving judgment are, although we do not altogether agree with them, of considerable importance. He says that he should feel glad "if some reasonable limits could be put to the purposes for which property might be perpetually appropriated, and if some provision could be made for periodically reviewing charitable foundations, and remodelling them as it may be supposed the founder might have wished them to be remodelled could he have foreseen the change of manners and institutions which has taken place."

There is no doubt that some of the purposes to which property can now be devoted in perpetuity as being charitable might well be excluded from the operation of the law relating to charities. Indeed, some charitable donations to purposes of rather a ludicrous character might be mentioned. But then it must be remembered that the Court of Chancery or the Charity Commissioners, either separately or together, have full power, by a judicious scheme, to modify such charitable dispositions, by omitting everything which either is actually objectionable, or has an objectionable tendency. So, likewise, when from change of circumstances, either total or partial, the charitable intentions of the founder of a charity cannot be carried out at all, or not altogether in accordance with his intentions, the equitable doctrine of *cy-près*, without calling for the intervention of the Legislature, comes in aid of the general charitable intention, and will apply the funds either in support of some charity of an analogous character, or will modify the charitable institution itself, so as to meet with the altered circumstances and requirements of the age. We think that the Court of Chancery has carried the principles of the *cy-près* doctrine nearly as far as they can with safety be extended. The machinery of the Court or of the Charity Commissioners for carrying those principles into effect might, perhaps, with care, be improved; but there is great danger, not to say risk, of injustice being done, if the Legislature vest in any man or body of men, not bound, as our courts are, by well-known and well-recognised precedents, greater powers than they now possess, to change or modify, by a periodical review or otherwise, the charitable institutions of the country.

Lord Cranworth has, we observe, introduced a bill into Parliament proposing various alterations in the

law relating to charitable donations. This we intend at a future time to examine, both with regard to the principles on which it may proceed, and the machinery by which it proposes to carry them out. We may, however, in the meantime, make one observation, that the decision of the House of Lords in *Jeffries v. Alexander* has rendered legislation upon the subject less urgent; and if it is deemed advisable to alter or extend the law, the change should be made only after great consideration as to the principles upon which legislation upon the subject should be founded, care being also at the same time taken that those principles should be embodied in language so intelligible that it cannot be mistaken; otherwise, with all its admitted defects, we had far better remain content with the 9 Geo. 2, c. 36, so much of which has received a judicial construction, and is now very generally understood, if not entirely approved of, by the Profession.

### Correspondence.

#### COSTS OF ACTIONS IN THE SUPERIOR COURTS OF LAW.

TO THE EDITOR OF "THE JURIST."

SIR,—Mr. Digby Seymour has obtained the leave of the House of Commons to introduce "A Bill for the Consolidation and Amendment of the Law of Costs relative to Actions brought in her Majesty's Superior Courts of Record." Few members of either branch of the legal profession will be disposed to deny the importance of such a measure, but perhaps as few are fully aware of the real intricacy of the subject as it stands at present: possibly a concise description of the actual state of things in reference to this point may not be unacceptable to some of the readers of THE JURIST.

Persons uninitiated in the mysteries of legal practice naturally enough consider this a very simple matter. A. has a claim against his neighbour B., to enforce which he is obliged to have recourse to a court of law; he succeeds: as a matter of course, in addition to the claim which he has thus established against B., he ought to receive from him reimbursement of the expenses to which he has been driven for the purpose of asserting his right; or, on the other hand, he fails; it is equally plain that in this case he ought at least to pay B. the money which his resistance to an unfounded claim has cost him. This picture, however, bears a very slight resemblance to the stern reality. Under hardly any circumstances does the award of costs refund to the successful party the whole of the money which he has been forced to expend in the prosecution of his suit, and not seldom he does not even obtain this award. It is easy to imagine cases, where success in the action offers no criterion of the party's right to costs, but obviously this question ought to depend solely upon the facts involved in the suit, and to be entirely disencumbered of such entanglement as is due only to the combined operation of discordant acts of Parliament. A single example will shew how faulty in this respect is the condition of our statute law.

An action for slander was tried at the last summer assizes, in which the jury found a verdict for the plaintiff, damages 1s.: it subsequently became a question for the decision of the Court of Common Pleas whether or not the plaintiff was entitled to his full costs. (*Evans v. Rees*, 30 L. J., C. P., 16). The Court adjudged him only 1s., and Erie, C. J., gave the reasons for this judgment in the following words:—"I think that the 3 & 4 Vict. c. 24, does not conflict with the statute of James, so as virtually to repeal it, but that both statutes may stand together." [His Lordship read the 2nd section of the 3 & 4 Vict. c. 24.] "I give that section its full application. The plaintiff in an action of slander has recovered less than 40s.; he is, therefore, to have no costs unless the judge certifies. The judge has certified, and the question is as to the effect of his certificate. I am of opinion that the effect of it is to take the case out of the previous enacting part of the section; and the plaintiff then has the same right to costs as he would have had supposing the 3 & 4 Vict. c. 24, had never passed. Then, by the Statute of Gloucester he would have been entitled to his full costs, unless that right was qualified by any subsequent right. His right is qualified by the statute of James, which says, that in an action for slanderous words, where the damages are under 40s., the plaintiff shall recover only so much costs as damages." Thus, after hearing a most learned and solemn discussion, four of the ablest judges in Westminster Hall felt themselves obliged to take the case out of the operation of a statute of Queen Victoria, which gave no costs at all, then to relegate it to that of a statute of Edward I, which gave full costs, and finally to put it under a statute of James I, which had the effect of giving one shilling costs! Where can be found any satire upon our system of legal procedure more severe than is afforded by this matter-of-fact piece of burlesque? Surely the time has come for the interposition of the Legislature: and, as all the law on the subject is the creature of statute, a very legitimate field for consolidation and amendment lies open before us. Let us glance at its extent.

Previously to the reign of Edward I, it seems that costs of suit were not given, totidem verbis, to the successful party in any suit. Lord Coke (2 Inst. 288) remarks, that "by this it may be collected that justice was good cheap in ancient times." However, his Lordship's inference is not inevitable, for there is little doubt<sup>a</sup> but that it was the practice in those times for the jury to form an estimate of the costs, and to include the sum, so arrived at, in the amount of damages awarded by them; moreover, if this estimated sum ultimately proved insufficient to cover the actual costs, the courts used to award increased costs. Still, wherever, as in real actions, the verdict of the jury did not take the form of damages no costs could be obtained.

To put things on a more satisfactory footing, the 6 Edw. 1, c. 1, commonly known as the Statute of Gloucester, was passed. The 1st section of this act gave damages in certain real actions to which they had not before been incident; and the 2nd section provided, "that the demandant may recover against the tenant the costs of his writ purchased, together with the damages above said; and this act shall hold place in all cases where the party is to recover damages." The words "costs of his writ purchased" were construed to mean all legal costs of suit (2 Inst. 288); and, with this interpretation, the sentence which follows them was held to confer upon the plaintiff in any action whatever, provided he recovered damages,

<sup>a</sup> See 3 Reeve's Hist. Eng. Law, 400.

no matter how small, a strict right to his full costs of suit in addition to those damages.

This statute still constitutes the only foundation upon which a plaintiff's right to costs rests: it does not, however, embrace every case in which a plaintiff may recover a verdict; for it has been determined<sup>o</sup>, in a somewhat narrow spirit, that a plaintiff who does not complain of a personal grievance, but sues, as a common informer, for a penalty imposed by an act of Parliament subsequently in date to the Statute of Gloucester, is excluded from the benefit of this latter enactment.

Notwithstanding that relief was thus given to a successful plaintiff, a defendant still remained without any corresponding benefit, until the reign of Henry VIII; when it was enacted (23 Hen. 8, c. 15), that in certain specified actions only, after nonsuit or a lawful verdict against the plaintiff, the defendant should have judgment to recover his taxed costs against the plaintiff. The last remaining inequality between the two parties was removed by the 4 Jac. 1, c. 3, which gave costs to the successful defendant "in all actions whatsoever wherein the plaintiff might have costs (if, in case, judgment should be given for him)." And, finally, the 8 & 9 Will. 3, c. 11, s. 1, afterwards enlarged by the 3 & 4 Will. 4, c. 42, placed one of several defendants who obtains a verdict while the plaintiff succeeds against the others, in the same position as to his costs, as if the verdict had been in favour of all the defendants alike. The operation of the latter of these acts, namely, the 3 & 4 Will. 4, c. 42, ss. 32, 33, was to extend the like benefit to an individual defendant when a *nolle prosequi* was entered as to him: but both these acts gave power to the judge at the trial to relieve the plaintiff from the costs of such defendant, by certifying upon the record that there was reasonable cause for making him a defendant.

So far legislation was confined to dealing with the costs of litigating questions of fact. But either party might defeat the other on a point of law: either the plaintiff or the defendant, conceding his opponent's facts, might demur to the legal results sought to be deduced from them; and if he succeeded in maintaining his position on this ground, certainly he had as good a right to be reimbursed his costs of suit, as if he had gained his point by disproving allegations of fact. This was at last recognised by the Legislature, and the 8 & 9 Will. 3, developed by the 3 & 4 Will. 4, c. 42, s. 34, gave the costs of a demurrer to that party in the action in whose favour it was determined.

Thus, at last, by the united force of the several statutes which have been cited, and which range in date from the reign of Edward I to that of William IV, is established, with a still imperfect generality, the right of the successful litigant to the costs which his adversary has obliged him to incur.

Might not the whole of this series of legislative enactments be advantageously condensed into one section of a consolidating statute?

So much for the costs of the *cause*. The costs of the *issues* are regulated by an entirely different set of enactments.

It might be imagined, from the terms in which the earlier statutes are couched, that the dispute between the plaintiff and the defendant must, as it appeared on the pleading, be necessarily single-headed. And yet this was not strictly the case: a plaintiff could always embrace several counts in one declaration, although

the defendant was restricted to one answer to each of them, with the additional privilege, if he thought fit, of being able to divide into parts any count which admitted of being so treated, and then pleading separately to each part. Thus it frequently happened, by the act either of the plaintiff or of the defendant, or of both, that a plurality of issues between them arose for determination in the same action. If all these resulted in favour of the same party, the state of things was practically the same as if there had been only a single issue, and no difficulty on this account presented itself in the application of the foregoing statutes relative to costs. But it was quite otherwise when some of the issues were found for the plaintiff, and the remainder for the defendant. In the end the courts decided<sup>o</sup>, that if the plaintiff succeeded in any one of the issues thus raised he was entitled to the costs of the cause, without any deduction on account of those issues on which he had failed, and that the defendant had no right to any costs unless he defeated the plaintiff on all the issues.

So opposed were the decisions, establishing this result, to the real spirit of the preceding legislation, that the judges, under the powers given them by the 11 Geo. 4 & 1 Will. 4, c. 70, framed the 74th rule of Hil. T., 2 Will. 4, for the purpose of placing the matter on the right footing. This rule declared, that "no costs shall be allowed on taxation, to a plaintiff upon any counts or issues upon which he has not succeeded: and the costs of all issues found for the defendant shall be deducted from the plaintiff's costs."

The disability under which a defendant laboured, of not being able to plead more than one defence to the same cause of action, was for the first time removed by the 4 Ann. c. 16; which empowered the defendant in any action, with the leave of the court in which it was brought, to plead as many several matters thereto as he should think necessary for his defence. But in order that this multiplication of issues might not be made the means of vexing a defeated plaintiff with unnecessary expenses, the following section of the act, as interpreted by the courts (*Richmond v. Johnson*, 7 East, 583; *Howell v. Rodbard*, 4 Exch. 309; and contra, *Callendar v. Howard*, 10 C. B. 302), gave him the costs of such of these double issues as he was fortunate enough to win, although beaten on the whole; unless the judge who tried them certified that the defendant had reasonable cause for raising them.

The effect of thus construing the 5th section of the statute of Anne is to confine its operation to the case where the plaintiff fails to establish the cause of action to which the double pleas are pleaded. The other alternative with reference to this cause of action, namely, that which embraces the plaintiff's winning or losing *all* the issues, is provided for by the enactments mentioned above in the 1st section. And as to the whole of the causes of action, which may be alleged, or separated from each other in the same declaration, and meet with very different fates, the 74th rule of Hil. T., 2 Will. 4, above quoted, regulated the distribution of costs.

This seems to have been the state of things up to the passing of the Common-law Procedure Act, 1852: but the contrary decisions of *Howell v. Rodbard* (4 Exch. 309) and *Callendar v. Howard* (10 C. B. 302) certainly discourage a positive enunciation of opinion on the point.

The 81st section of this last-mentioned act, 15 & 16 Vict. c. 76, after empowering both the plaintiff and

\* See *Pitfold's case* (10 Rep. 116 a.); *Tyts v. Glode* (7 T. R. 267); and *The College of Physicians v. Harrison* (9 B. & Cr. 524).

\* See *Bridges v. Raymond* (3 W. Bl. 800) and *Postan v. Stanway* (5 East, 261).

the defendant, with proper leave, to plead double, provided, that "the costs of any issue, either of fact or law, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues." The 62nd rule of Reg. Gen., Hil. T., 1853, repeats this provision, and also determines, when there are issues both of law and fact, which party is to be entitled to the costs of the trial.

It is not unreasonable to suppose that the Legislature intended by this enactment to clear up all the difficulties attaching to the distribution of costs where there is a plurality of issues: but if so, they have not used sufficiently apt words for the purpose, for it has been already held (*Cameau v. Morrice*, 2 Jur., N. S., part 1, p. 139) that the provision as to costs in the 81st section only applies to the issues raised in double pleading; that in fact it only explains, and does not repeal, the statute of Anne. We have, therefore, one more act of Parliament added to our list of those which regulate costs, with very little corresponding benefit.

It is not too much to say that this group of statutes and rules might be very conveniently and efficiently replaced by a carefully-drawn clause in a consolidation act.

As this letter has already reached a length which, I fear, is inconveniently great for the space which you usually allot to correspondents, I feel bound to close it at this marked division of my subject: at the same time, I venture to ask your permission to conclude my remarks in the next number of THE JURIST.

I am, yours &c.,

Temple, March 4, 1861.

J. B. PHEAR.

## BOOKS RECEIVED.

The Law of Merger, as it affects Estates in Land, and also Charges upon Land. By Charles J. Mayhew, of the Inner Temple, Barrister-at-Law.—V. & R. Stevens & Sons, 1861.

The Indian Penal Code (Act XLV of 1860). With Notes, by W. Morgan and A. G. Macpherson, Esqrs., Barristers-at-Law.—Calcutta: G. C. Hay & Co., 56, Cossittollah; and 2, Crescent-place, Blackfriars, London, 1861.

A Handy Book on the Law of Principal and Surety. By Edward Lawrence, jun., Attorney-at-Law, and Member of the Incorporated Law Society.—Effingham Wilson, 1861.

The Statutes, General Orders, and Practice Cases of 1860-1, with an Index and Notes, forming a Supplement to the second edition of Morgan's Chancery Acts and Orders. By George Osborn Morgan, M. A., of Lincoln's-inn, Barrister-at-Law.—Wildy & Sons, 1861.

SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.—A meeting of this society took place on the 11th February, W. Overend, Esq., Q. C., in the chair, when a paper was read by Mr. J. Pitt Taylor, "On the Expediency of passing an Act to permit Defendants, in Criminal Cases, and their Wives or Husbands, to testify on Oath." Another meeting took place on the 25th February, Charles Wordsworth, Esq., Q. C., in the chair, when papers were read by Mr. Edgar and Mr. Hawes on the Attorney-General's Bankruptcy and Insolvency Bill. A discussion took place, which was adjourned.

## PAYMENT OF WITNESSES IN CRIMINAL CASES.

THE question of the alleged insufficiency of the payment of witnesses in criminal cases, under the order of Sir George Grey of the 9th February, 1858, has been brought before the House of Commons by Colonel Smythe, who asked the Home Secretary whether he was prepared to alter the scale of allowances fixed by that order. In answer to this question Sir G. C. Lewis said, "It certainly appeared that the present scale of allowances was complained of in some of the northern counties, but nevertheless from the great majority of counties no complaints had been made on the subject. A great diminution had lately taken place in the number of prosecutions, but this could not be owing to any reduction that had taken place in the scale of allowances to prosecutors, for the same falling off was observable throughout England, and in counties where no reduction of the allowances had occurred; and also in Scotland and Ireland. In those circumstances he did not feel justified in recommending a general increase in these allowances; but he was prepared to bring in a bill to enable any county that thought the allowances insufficient to make an addition to them out of the county rates."

## RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

(Continued from p. 108).

*Form of Judgment on Writ of Appraisement, and no Claim.*

In the Exchequer.

The — day of —, in the year of our Lord 18—.

[*Teste of writ of appraisement.*]

Middlesex, to wit.—On the day and year above written a writ of our lady the Queen issued forth of this court for the valuing of several parcels of [*here set out the goods, or as the case may be*] seized as forfeited by —, officers of [*excise*], and an information of seizure has been filed, praying that the said goods [*or as the case may be*] may remain forfeited; and by an Indenture filed in this court, numbered —, and made on the — day of —, A.D. 18—, the said [*goods*] are appraised at the sum of £—: and whereas no claim has been entered to the said goods [*or as the case may be*]: therefore it is considered that the said [*goods*] do remain forfeited, and that the same be delivered to the commissioners of —, or their assigns, to be disposed of according to the statute in that behalf.

*Form of Judgment on a Verdict on Information in Rem.*

The — day of —, in the year of our Lord 18—.

[*Teste of writ of appraisement.*]

Middlesex, to wit.—On the day and year above written a writ of appraisement issued forth of this court for the appraisement of several parcels of — seized as forfeited by —, officers of —: and whereas, on the — day of —, A.D. 18—, A. B., of —, by C. D., his attorney, entered an appearance and claim in this court to the said goods [*or as the case may be*], and pleaded to the information, numbered —, filed on the — day of —, A.D. 18—, for the recovery of the same\*: and whereas, on the — day of —, A.D. 18—, on a verdict of the country, the said [*goods*] were found to be forfeited to her Majesty: therefore it is considered that the said goods [*or as the case may be*] do, for the several reasons aforesaid, remain forfeited, and that the same be delivered to the commissioners of —, or their assigns, to be disposed of according to the form of the statute in that case made and provided; [*if costs taxed, proceed thus*] and that her Majesty do recover against the said A. B. the sum of £— for her Majesty's costs of suit.

[If verdict for claimant, as above to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A.D. 18—, on a verdict of the country, the said [goods] were found not to have been forfeited: therefore it is considered that the said goods [or as the case may be] be delivered to the said A. B., or to his assigns; [if costs taxed, proceed] and that the said A. B. do recover from the Crown the sum of £— for his costs of defence.

*Form of Judgment for want of Plea or other Pleadings, or after Verdict, or upon Demurrer to Extent or Diem Clausit Extremum.*

The — day of —, in the year of our Lord 18—.

[Tests of writ.]

Middlesex [or county], to wit.—On the day and year above written a writ of extent (or diem clausit extremum) issued forth of this court, directed to the sheriff of the county of —, against A. B., for the recovery of the sum of £— for — [as the case may be.] And whereas, by an inquisition taken by virtue of the said writ by the sheriff of the said county of —, and filed in this court, the said A. B. was found possessed of — [here set out the property (shortly) which is claimed]: and whereas, on the — of —, A. D. 18—, claim was entered by C. D., of —, by E. F., his attorney, to [the property claimed]\*: and whereas default was made by the said C. D. in pleading to the said writ: therefore it is considered that the said [the property claimed] do remain in her Majesty's hands; [if costs taxed] and that her Majesty do recover against the said C. D. the sum of £— for her Majesty's costs of suit.

[For not rejoining, as above to asterisk\*, then proceed thus:]

And whereas default was made by the said C. D. in rejoining to the replication of her Majesty's Attorney-General: therefore &c. [as before.]

[For not joining in demurrer, as above to asterisk\*, then proceed thus:]

And whereas default was made in joining in the demurrer of her said Majesty's Attorney-General to the — of the said defendant: therefore &c. [as before.]

[After trial, as above to asterisk\*, then proceed thus:]

And whereas, after issue had been joined in this cause, and on the trial thereof on the — day of —, A. D. 18—, a verdict was found for her Majesty: therefore &c. [as before.]

[On argument of demurrer, as above to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, upon argument of the demurrer of the said — to the — of the said —, the said demurrer was allowed [or overruled]: therefore &c. [as above.]

[On withdrawal of claim, as above to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, the said C. D. withdrew his claim and plea to the property so claimed by him: therefore &c. [as before.]

[If judgment for the defendant, as before to asterisk\*, then proceed thus:]

And whereas, after issue had been joined in this cause, and on the trial thereof on the — day of —, A. D. 18—, a verdict was found for the said C. D.: therefore it is considered that her Majesty's hands be removed from the possession of the said — in the said inquisition mentioned, and that the same be restored to the said C. D.; [if costs taxed, proceed thus] and that the said C. D. do recover from the Crown the sum of £— for his costs of suit.

[If on demurrer, as before to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, on the argument of the demurrer of the said — to the — of the said —, the said demurrer was allowed [or overruled]: therefore &c. [as last mentioned.]

*Form of Judgment for the Defendant on Reversal of Outlawry.*

In the Exchequer.

The — day of —, in the year of our Lord 18— [the day transcript was filed.]

Middlesex [or county], to wit.—On the day and year above written was filed in the office of her Majesty's Remembrancer of this court the transcript of a certain writ of capias utlagatum issued against A. B., of —, and the inquisition taken thereunder by the sheriff of —.

[Plea of defendant.]

And on the — day of —, A. D. 18—, the said A. B. appears by —, his attorney, and saith that the said outlawry is reversed, and for proof thereof brings into court the following certificate [or order; here set out the same.]

[Confession of the Attorney-General.]

And on the — day of —, A. D. 18—, Sir —, Knight, her Majesty's Attorney-General, saith, that on perusing the certificate of — [or order of —], it sufficiently appears to him that what is contained in the said plea is true; therefore he will not proceed any further in the premises for her said Majesty against the said A. B.: therefore it is considered that her Majesty's hands be removed from the said — in the said inquisition mentioned; and that he, the said A. B., be restored to the possession thereof [and if necessary], together with the rents, issues, and profits of the same which have not been answered to her said Majesty.

[At the time of filing this judgment the plea and certificate or order, and the confession of the Attorney-General, must be filed.]

*Form of Judgment for want of Pleading, withdrawing Plea, or after Verdict, or Demurrer on Transcript of Outlawry.*

In the Exchequer.

The — day of —, in the year of our Lord 18— [the day transcript was filed.]

Middlesex [or county], to wit.—On the day and year above written was filed in the office of her Majesty's Remembrancer of this court the transcript of a certain writ of capias utlagatum issued against —, of —, and the inquisition taken thereunder by the sheriff of —. And whereas, on the — day of —, a claim was entered by C. D., of —, by E. F., his attorney, to [state shortly the property claimed, and set forth in the transcript]\*: and whereas default was made by the said C. D. in pleading to the said transcript: therefore it is considered that the said [the property claimed] do remain in her Majesty's hands; and [if costs taxed] that her Majesty do recover from the said C. D. £— for her Majesty's costs of suit.

[For not rejoining, as before to asterisk\*, then proceed thus:]

And whereas default was made by the said C. D. in rejoining to the replication of her said Majesty's Attorney-General: therefore &c. [as before.]

[For not joining in demurrer, as before to asterisk\*, then proceed thus:]

And whereas default was made in joining in the demurrer of her said Majesty's Attorney-General to the — of the said defendant: therefore &c. [as before.]

[If after trial, as before to asterisk\*, then proceed thus:]

And whereas, after issue had been joined in this cause, and on the trial thereof on the — day of —, A. D. 18—, a verdict was found for her Majesty: therefore &c. [as before.]

[On argument of demurrer, as before to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, on the argument of the demurrer of the said — to the — of the said —, the said demurrer was allowed [or overruled]: therefore &c. [as before.]

[On withdrawal of claim, as before to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, the said C. D. withdrew his claim and plea to the property so claimed by him: therefore &c. [as before.]

[If verdict for the defendant, as before to asterisk\*, then proceed thus:]

And whereas, after issue had been joined in this cause, and on the trial thereof on the — day of —, A. D. 18—, a verdict was found for the said C. D.: therefore it is considered that her Majesty's hands be removed from the possession of the said — in the said inquisition mentioned, and that the same be restored to the said C. D.; [if costs taxed, proceed thus] and that the said C. D. do recover from the Crown the sum of £— for his costs of suit.



sion of the said — in the said inquisition mentioned, and that the same be restored to the said C. D.; and that the said C. D. do recover against the Crown £ — for his costs in this behalf.

[On demurrer, as before to asterisk\*, then proceed thus:]

And whereas, on the — day of —, A. D. 18—, on the argument of the demurrer of the said — to the — of the said —, the said demurrer was allowed [or overruled]: therefore &c. [as above.] —

#### Form of Judgment on Special Case.

In the Exchequer.

The — day of —, in the year of our Lord 18—.

[Date of order.]

[Title of suit or matter.]

Whereas, by an order of the Hon. Mr. —, dated the — day of —, A. D. 18—, it was ordered that [state the substance of the order]: and whereas, in pursuance of the said order, a case was stated between [the parties], which case was on the — day of —, A. D. 18—, filed in the office of the Queen's Remembrancer [if error brought, enrol special case, introducing these words, "and is to the effect following"]; and afterwards, on the — day of —, A. D. 18—, the court was of opinion that [state the substance of the judgment]: therefore it is considered that &c. [state the judgment, as in other cases, according to the judgment of the court.]

#### Form of Judgment by Default against one Defendant, and another pleads to Issue, and Issue found for the Crown.

In the Exchequer.

The — day of —, in the year of our Lord 18—.

[Tests of writ.]

Middlesex, to wit.—On the day and year above written a writ of subpoena issued forth of this court against A. B. and C. D., at the suit of her Majesty's Attorney-General, on behalf of her Majesty, for [here state shortly for what the writ is issued.] And whereas, on the — day of —, A. D. 18—, the said A. B., by E. F., his attorney, entered an appearance to the said writ, and pleaded to the information, numbered —, filed against him and the said C. D. on the — day of —, A. D. 18—: and whereas the said C. D. was on the — day of —, A. D. 18—, duly served with the aforesaid writ, but hath made default in appearing thereto, and thereupon the said information, numbered —, has been filed against him and the said A. B. in this court; and by reason of the default of the said C. D., therefore it is considered that her Majesty ought to recover against the said C. D. the several penalties in the said information mentioned; but because it is unknown to the court what penalties the said A. B. hath incurred, and because it is convenient that there be but one judgment for the penalties in the said information mentioned, therefore let the giving of the same against the said C. D. be stayed until the trial of the issue joined between her Majesty's Attorney-General and the said A. B.: and whereas, on the trial of the said issue so joined, on a verdict of the country, on the — day of —, A. D. 18—, the said A. B. was found guilty of the several offences, and each and every of them, in the said information mentioned: therefore it is considered that the said A. B. and C. D. be convicted of the several offences in the said information mentioned, and that they do for their said offences forfeit the several sums of money in the said information mentioned, amounting together to the sum of £—, and that her Majesty recover against the said A. B. and C. D. the said sum of £—, [if costs taxed, proceed thus] and also the sum of £— for her Majesty's costs of suit, which said sums in the whole amount to £—.

[The above form may be adapted, with such alterations as may be necessary, to meet the cases of duties or intrusion.]

#### Form of Judgment of Affirmance where Judgment given for the Crown, to be entered on original Judgment Roll.

[To the end of the judgment on the roll in the suit, and then proceed thus:]

Afterwards, on — [the day of lodging the note of error], the said defendant delivered to the Queen's Remembrancer

of this court a memorandum in writing alleging that there was error in law in the record and proceedings aforesaid; and afterwards, on — [the day of making the suggestion on the roll], the said defendant said that there was error in the record and proceedings aforesaid; and the said Attorney-General, on behalf of her said Majesty, said that there was no error therein; and thereupon afterwards, on — [the day of giving judgment in Exchequer Chamber], before the justices of our lady the Queen assigned to hold pleas in the court of our lady the Queen, before the Queen herself and the justices of the Common Bench of our said lady the Queen, came the said Attorney-General, and the said defendant by his attorney aforesaid; and it appeared to the said court of error in the Exchequer Chamber that there was no error in the record and proceedings aforesaid, or in giving the judgment aforesaid: therefore it was considered by the said court of error that the judgment aforesaid be in all things affirmed and stand in full force and effect, the said causes above for error suggested [or assigned] in anywise notwithstanding; and that her Majesty do recover against the said defendant £— by the said court of error adjudged to her said Majesty for costs which her Majesty has sustained and expended by reason of the delay of execution of the judgment aforesaid, on pretence of the prosecution of the said proceedings in error, and that her Majesty have execution thereof &c.; and thereupon the record and proceedings aforesaid, with the judgment aforesaid so affirmed by the said court of error as aforesaid, and the said judgment of that court, were by the said Remembrancer duly brought back here, in order that the said court here might award such further proceedings as might be necessary upon the record aforesaid, and upon the said judgment and proceedings so affirmed as aforesaid.

#### Form of Judgment of Reversal where Judgment originally given for the Crown.

[As in the before-mentioned form to asterisk\*, then proceed thus:]

That there was manifest error in the record and proceedings aforesaid, and in giving the judgment aforesaid: therefore it was considered by the said court of error that the judgment aforesaid, for the error aforesaid alleged, be reversed, annulled, and altogether holden for nought, and that the said defendant be restored to all things which he hath lost by occasion of the said judgment, &c.; and that her Majesty's Attorney-General, on behalf of her Majesty, take nothing by his said writ; and that the said defendant do go thereof without day, &c.; and that the said defendant do recover against the Crown £— for his costs of defence in this behalf by the said court of error adjudged to the said defendant; and thereupon the record and proceedings aforesaid [conclude as in previous form, but instead of affirm, say reversed.]

[The above forms may be varied to meet the case of discontinuance of error, withdrawal of same, non pros., or as the case may be.]

#### SCHEDULE (C.)

##### FORM No. 1.

Copy of Extent, &c. for Claimant, Nisi Prius Record, Roll, or Paper Book, may commence thus:—

In the Exchequer.

The — day of —, in the year of our Lord 18—.

[The tests of the writ.]

Middlesex [or county], to wit.—On the day and year above written a writ of our lady the Queen issued forth of this court in these words—[then copy writ, return, inquisition, schedules, &c.]

[The foregoing or similar introductory words may be applied to any other writ requiring inrolment.]

##### FORM No. 2.

Copy of Transcript for Claimant, Nisi Prius Record, Roll, or Paper Book, may commence thus:—

In the Exchequer.

The — day of —, in the year of our Lord 18—, [the day the transcript was filed.]

Middlesex [or county], to wit.—On the day and year above written was filed in the office of her Majesty's Remembrancer of this court the following transcript [*here follows the transcript.*]

## FORM No. 3.

*Nisi Prius Record on Scire Facias, Roll, or Paper Book, may commence thus:—*

In the Exchequer.

The — day of —, in the year of our Lord 18—.

[*The teste of the writ.*]

Middlesex [or county], to wit.—On the day and year above written a writ of our lady the Queen issued forth of this court in these words:—"Victoria," &c.

## FORM No. 4.

*Form of Nisi Prius Record on Information.*

In the Exchequer.

The — day of —, in the year of our Lord 18—, [date of information.]

[*Venue.*—Her Majesty's Attorney-General, on behalf of her Majesty [as in the information], sues A. B., by virtue of a writ of [subpœna] issued out of this court on the — day of —, in the year of our Lord, 18— [date of writ], and gives the court to understand and be informed, that &c. [copy the information to the end, and all the pleadings, with their dates, writing each plea or pleading in a separate paragraph, as in the pleadings delivered, and conclude thus:] Therefore let a jury come, &c. [When there are several defendants, and judgment by default has been signed against one or more, this form may be altered accordingly.]

[*When the trial takes place in any other county than stated in the venue, insert the Queen's prerogative after the issue joined, thus:*] And it being the prerogative of her said Majesty that all inquisitions in personal suits instituted in this court for and on behalf of her Majesty be held in any part of the United Kingdom of Great Britain and Ireland called England, her Majesty's Attorney-General, being present here in court in his proper person, prays that an inquisition in the premises be taken in the county of —, which is ordered by the court accordingly. Therefore let a jury come, &c.

## FORM No. 5.

*Introductory Words of a Judgment after Verdict, when Roll carried in.*

[*Copy the Nisi Prius record, and then proceed thus:*]

Afterwards, on the — day of —, in the year of our Lord 18— [date of signing final judgment], come the parties aforesaid, by their respective attorneys aforesaid [or as the case may be], and the Right Hon. Sir —, Knight, Lord Chief Baron of this court, [or the Hon. Sir —, Knight, as the case may be], hath sent hither his record had before him in these words:—"Afterwards," &c. [copy the postea.] Therefore it is considered &c. [according to the judgment.]

## FORM No. 6.

*Note of Error in Law.*

In the Exchequer.

The — day of —, in the year of our Lord 18—, [the day of lodging note of error.]

Her Majesty's Attorney-General [or Our Sovereign Lady the Queen],

and

A. B.

Her Majesty's Attorney-General [or the plaintiff, or the defendant, as the case may be] says that there is error in law in the record and proceedings in this suit, and the defendant [or as the case may be] says that there is no error therein.

Signed, &c. [attorney or solicitor of department.]

## FORM No. 7.

*Suggestion of Error.*

The — day of —, in the year of Lord 18—, [the day of making the entry on the roll], the Attorney-General [or the defendant, as the case may be] says that there is error in the above record and proceedings, and the defendant [or as the case may be] says there is no error therein.

## FORM No. 8.

*Note of Error in Fact.*

In the Exchequer.

The — day of —, in the year of our Lord 18—, [the date of lodging note in error.]

Her Majesty's Attorney-General [or as the case may be], and

A. B.,

in error.

The defendant [or as the case may be] says that there is error in fact in the record and proceedings in this suit, in the particulars specified in the affidavit hereunto annexed.

Signed, &c. [by attorney or solicitor of department.]

## FORM No. 9.

*Satisfaction Warrant.*

[*To be indorsed by the solicitor of the department, and afterwards signed by the Attorney-General.*]

In the Exchequer.

The — day of —, in the year of our Lord 18—, [when signed by the Attorney-General.]

Between our Sovereign Lady the Queen [or her Majesty's Attorney-General, informant], and

A. B., defendant.

And Sir —, Knight, her Majesty's Attorney-General, who prosecuteth for her said Majesty, acknowledges and confesses [if by inquisition or extent] that the sum of £—, found due to her Majesty from the said A. B. [if by bond, that the sum of £—, the penalty of a certain bond given by the said A. B. to her Majesty, bearing date the — day of —, A.D. 18—; if by judgment, that a certain judgment entered against the said A. B. on the — day of —, A.D. 18—, for the sum of £—], hath been satisfied to her Majesty's use; and that therefore her said Majesty's Attorney-General will not proceed any further in the premises against the said A. B. touching the same.

[*Indorsement.*]

The within-mentioned sum having been satisfied, I see no objection to the filing of this warrant, with the leave of the Attorney-General.

C. D.,

Solicitor of &c.

(*To be continued.*)

The Queen has been pleased to confer the honour of Knighthood upon Colley Harman Scotland, Esq., Chief Justice of Madras.

COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery in England:—Broome Pinniger the younger, of Newbury, Berkshire; Henry Potter, of Farnham, Surrey; Robert Lowe Grant Vassall, of Bristol; and John Luskey Coad, of Liskeard, Cornwall.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed James Radford, Gent., of Gateshead, Durham, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Durham.

Perthshire, innkeeper.—*William Johnston*, Glasgow, metal merchant.—*Robert Smith*, Aberdeen, leather merchant.—*James Barrie Ains*, Glasgow, grocer.—*Francis Reid*, Saltcoats, Ayrshire, china merchant.—*Newton & Co.*, Greenock, grain merchants.—*William Bulloch*, Milngavie, engraver.—*John McLachlan*, Tarbert, Argyshire, wright.

## TUESDAY, March 19.

## BANKRUPTS.

**ROBERT BARRIE**, York-street, Covent-garden, Middlesex, builder, March 28 at 2, and April 25 at 1, London: Off. Ass. Johnson; Sol. W. T. Boydell, 41, Queen-square, Bloomsbury, London, and Watford, Hertfordshire.—Pet. f. March 2.

**ALFRED MORDAUNT**, Southampton, chemist, March 28 at 12, and April 25 at 2, London: Off. Ass. Bell; Sols. Harrison & Lewis, Old Jewry.—Pet. f. Jan. 21.

**THOMAS GRAY**, Garratt Mills, Wandsworth, Surrey, manufacturer of materials for making paper (late trading with John Thompson Green), March 28 at 2, and April 26 at half-past 1, London: Off. Ass. Whitmore; Sol. Brutton, 27, Basinghall-street.—Pet. f. March 16.

**ALEXANDER W. LAIDLAW**, Bury-court, St. Mary Axe, City, wine merchant, March 27 and May 1 at 12, London: Off. Ass. Graham; Sols. Blake & Snow, 22, College-hill, London.—Pet. f. March 5.

**JOHN MEASOR**, Brighton, Sussex, upholsterer, April 8 at 2, and May 6 at 12, London: Off. Ass. Pennell; Sols. Faithfull & Co., Brighton; Lawrence & Co., 14, Old Jewry-chambers, Old Jewry, London.—Pet. f. March 18.

**GEORGE GROOM**, Aldermanbury, City, lithographic printer (trading under the style or firm of Groom & Co.), April 9 at 12, and May 9 at 11, London: Off. Ass. Edwards; Sol. Gregson, 8, Angel-court, Throgmorton-street, London.—Pet. f. March 8.

**WILLIAM RILEY**, Ilkeston, Derbyshire, butcher, April 4 and 18 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Lees, Nottingham.—Pet. d. March 15.

**WALTER PARRY**, Brecon, licensed victualler, April 9 and May 7 at 11, Bristol: Off. Ass. Miller; Sols. Games, Brecon; Abbot & Co., Bristol.—Pet. f. Feb. 28.

**PETER SCOTT**, Liverpool, and Newcastle, Downshire, Ireland, timber merchant, April 4 and 24 at 11, Liverpool: Off. Ass. Morgan; Sol. Harris, Liverpool.—Pet. f. March 11.

**SPENCER PERCIVAL PENNELL**, Liverpool, commission merchant, April 4 and 17 at 11, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. March 15.

**JAMES BOLTON ROBERTSON**, South Shields, Durham, draper, March 26 and May 14 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Kidd, North Shields; Williamson & Co., 10, Great James-street, Bedford-row, London.—Pet. f. March 16.

## MEETINGS.

*Edwin Peeke*, Torquay, Devonshire, builder, April 11 at 12, Exeter, ch. ass.—*Wm. Wolstenholme*, Manchester, ironmonger, May 8 at 12, Manchester, last ex.—*H. Boreham*, Wilmot-street, Russell-square, Middlesex, plumber, April 8 at half-past 11, London, aud. ac.; April 10 at half-past 1, div.—*Isaac Isaacs*, Bristol, jeweller, April 4 at 11, Bristol, aud. ac.—*George Wm. Bryant Kialmark*, Puriton, Somersetshire, cement manufacturer, April 10 at 1, Exeter, aud. ac.; April 24 at 12, div.—*Richard Baker*, Barnstaple, Devonshire, general smith, April 10 at 1, Exeter, aud. ac.; April 11 at 1, div.—*Benjamin Pain Arnold*, Manchester, manufacturer, April 10 at 12, Manchester, aud. ac.—*Benj. Fawcett*, Huddersfield, Yorkshire, grocer, April 16 at 11, Leeds, aud. ac. and div.—*Alexander Dalrymple Bell* and *Emil Brasmert*, Goldsmith-street, City, trimming manufacturers, April 12 at 11, London, div.—*Thomas Davis*, Chapel-street, St. George the Martyr, Middlesex, hotel keeper, April 10 at 1, London, div.—*Wm. Penfold*, Market-terrace, Caledonian-road, Middlesex, smith, April 10 at half-past 1, London, div.—*Mark Hayes*, New Brentford, Middlesex, cheesemonger, April 13 at half-past 11, London, div.—*Solomon Lingo*, Westbourne-grove, Baywater, Middlesex, wine merchant, April 10 at 12, London, div.—*William Boyce*, East Dereham, Norfolk, printer, April 12 at 12, London, div.—*J.*

*Gray and John Robert Henson*, Epsom, Surrey, upholsterers, April 12 at 12, London, div. joint and sep. ests.—*Thomas Septimus Pattison and Frederick Miles*, Laurence Pountney-hill, City, wholesale stationers, April 12 at 2, London, div. joint and sep. ests.—*Joseph Agate*, Emworth, Hampshire, grocer, April 12 at 1, London, div.—*J. Frampton*, Poole, butcher, April 12 at 1, London, div.—*W. Shoberl*, Great Marlborough-street, and St. John's-wood-terrace, St. John's-wood, Middlesex, publisher, April 12 at 12, London, div.—*John Buck Toher*, Manchester, and Oeprings, near Faversham, Kent, manufacturer of malleable cast iron, April 12 at 1, London, div.—*George Russell*, Leamington Priors, Warwickshire, hotel keeper, April 15 at 11, Birmingham, aud. ac. and div.—*John Baker*, Woodlands, Bglagon, Somersetshire, scrivener, April 12 at 11, Bristol, fin. div.—*John Harford and Wm. Weaver Davies*, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, ironmasters, April 12 at 11, Bristol, fin. div.—*Thomas Crighton*, Manchester, machinist, April 24 at 12, Manchester, div.—*Charles Le Batt*, Exeter, messman, April 10 at 12, Exeter, div.—*J. Strachan*, Newcastle-upon-Tyne, common brewer, April 11 at 12, Newcastle-upon-Tyne, div.—*Wm. Henry Vickers*, Suffolk-place, Lower-road, Islington, butcher, April 11 at 11, London, div.—*Henry Foulkes*, John-street, Union-st., Kennington-road, Surrey, cab proprietor, April 12 at 2, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*James Winter*, Rosslyn-terrace, Hampstead-road, Middlesex, surgeon, April 11 at 2, London.—*James Willats*, Finsbury-pavement, City, upholsterer, April 11 at 2, London.—*James Stannard*, Newport, Isle of Wight, trader, April 10 at half-past 11, London.—*Matthew Hutchinson*, Mark-lane, City, and Paragon, Blackheath, Kent, flax dealer, April 12 at 11, London.—*William Cox*, Lamb's Conduit-street, Middlesex, pickle manufacturer, April 10 at half-past 1, London.—*Charles Spikins*, Duke-street, Portland-place, Middlesex, bottled-beer merchant, April 10 at half-past 12, London.—*John Henry Goodere*, Merthyr Tydfil, Glamorganshire, scrivener, April 16 at 11, Bristol.—*Thomas Watts*, Bristol, sailmaker, April 22 at 11, Bristol.—*John Strachan*, Newcastle-upon-Tyne, common brewer, April 11 at half-past 12, Newcastle-upon-Tyne.—*Walter Elliott*, Beaminster, Dorsetshire, grocer, April 17 at 12, Exeter.—*Richard Henry Clough*, Manchester, cotton dealer, April 25 at 12, Manchester.—*Robert Freeland*, Manchester, and *John Freeland*, Kirkintilloch, Dumbartonshire, Scotland, merchants, May 8 at 11, Manchester.—*John Bent* the younger, Dudley, Worcester-shire, grocer, April 18 at 11, Birmingham.—*W. Wilson*, Birmingham, and Sparkbrook, Aston-juxta-Birmingham, Warwickshire, paper manufacturer, April 15 at 11, Birmingham.—*Edwin Booth*, Priors Lee, near Shiffhall, Shropshire, maltster, April 19 at 11, Birmingham.—*Edicard Frederick Cook and Richard Frederick Woodward*, Birmingham, steel stampers, April 19 at 11, Birmingham.—*John Bickley*, Burton-upon-Trent, Staffordshire, grocer, April 25 at 11, Birmingham.—*Thomas Barratt*, Market Drayton, Shropshire, timber merchant, April 25 at half-past 11, Birmingham.—*Matthias Wood*, Barnsley, Yorkshire, plumber, April 15 at 11, Leeds.—*Thomas Philip Ponton*, Wrexham, Denbighshire, grocer, April 11 at 11, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Aaron Martin Cramp Hodgman*, Broadstairs, Kent, miller.—*George Allebone Drage*, Olney, Buckinghamshire, shoe manufacturer.—*Wm. Penfold*, Market-terrace, Caledonian-road, Middlesex, gasfitter.—*Wm. Henry Roise*, Gloucester-place, Gloucester-crescent, Regent's-park, Middlesex, builder.—*George Bowditch*, Taunton, Somersetshire, nurseryman.—*Peter Weston Ayles*, Weymouth, Dorsetshire, shipwright.—*Benjamin Silvester*, Manchester, draper.—*George Ritchie*, Newcastle-upon-Tyne, grocer.—*Wm. Binks*, Kingston-upon-Hull, painter.—*Joseph Crofts*, Walsall, Staffordshire, builder.—*John Reynolds*, Burslem, Staffordshire, grocer.—*Benjamin Richardson*, Wordsley, Staffordshire, glass manufacturer.

## SCOTCH SEQUESTRATIONS.

*Gustave Bruhne*, Glasgow, cotton agent.—*The Rev. Jas. Stormonth*, Edinburgh, teacher.—*John Fortune*, Edinburgh, watchmaker.—*William Mackersey*, Edinburgh, writer to the signet.—*Robert Davidson*, Dundee, Forfarshire, wright.

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## GAZETTES.—FRIDAY, March 22.

## BANKRUPTS.

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SAMUEL SALOMONSON, Abchurch-lane, City, billbroker, April 4 at half-past 12, and May 2 at 11, London: Off. Ass. Bell; Sol. Hand, 22, Coleman-street, London.—Pet. f. March 13.

GEORGE STEVENS, Great St. Helen's, City, merchant, April 9 at 1, and May 9 at 12, London: Off. Ass. Edwards; Sol. Solomon, 54, Coleman-street, London.—Pet. f. March 6.

SAMUEL WILLIAM POTTER STEWARD, formerly of Hellesdon, Norfolk, brickmaker, now of Fordham, Cambridgeshire, farmer, April 3 at half-past 12, and May 1 at 1, London: Off. Ass. Graham; Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury, London.—Pet. f. March 18.

GEORGE GRIFFIN, Walsall, Staffordshire, grocer, April 4 and 25 at 11, Nottingham: Off. Ass. Whitmore; Sols. Duignan & Ebsworth, Walsall.—Pet. d. March 19.

CHARLES FREDERICK YOUNG, Nottingham, chemist, April 4 and 25 at 11, Nottingham: Off. Ass. Harris; Sol. Brown, Nottingham.—Pet. d. March 15.

AUGUSTUS WILLIAM VOIGT, Cheltenham, Gloucestershire, dealer in pianofortes, April 8 at 1, and May 6 at 11, Bristol: Off. Ass. Miller; Sol. Packwood, Cheltenham.—Pet. f. March 20.

WILLIAM BOWEN, Swansea, Glamorganshire, victualler, April 9 and May 7 at 11, Bristol: Off. Ass. Acraman; Sol. Taddy, Bristol.—Pet. f. March 20.

WILLIAM WEST, Bristol, bookseller, April 8 and May 6 at 11, Bristol: Off. Ass. Miller; Sols. Barker, Bristol; Ashley & Tee, Old Jewry, London.—Pet. f. March 19.

WILLIAM HENRY THOMAS, Dawlish, Devonshire, builder, April 3 at 1, and May 1 at 12, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. March 18.

WILLIAM SIMPSON, Newham Mill, near Pickering, Yorkshire, corn miller, April 8 and May 6 at 11, Leeds: Off. Ass. Hope; Sols. Cariss & Cudworth, Leeds.—Pet. d. March 8.

JOHN WREFFORD HUNT, Liverpool, lamp manufacturer, April 4 and 24 at 12, Liverpool: Off. Ass. Turner; Sol. Samuel, Liverpool.—Pet. f. March 15.

THOMAS DEWICK HUNT, Bootle, near Liverpool, innkeeper, April 5 and 24 at 11, Liverpool: Off. Ass. Turner; Sol. Haigh, Liverpool.—Pet. f. March 18.

EDWARD KIRKBY, Liverpool, and SAMUEL BRACEGIRDLE, Northwich, Cheshire, salt proprietors, (carrying on business at Northwich, Cheshire, under the style or firm of Edward Kirkby & Co.), April 4 and 24 at 12, Liverpool: Off. Ass. Bird; Sols. Evans & Co., Liverpool.—Pet. f. March 16.

WILLIAM SCOTSON, Liverpool, cab proprietor, April 5 and 24 at 12, Liverpool: Off. Ass. Bird; Sols. Dodge & Wynne, Liverpool.—Pet. f. March 18.

JAMES FIELDING, Macclesfield, Cheshire, cotton spinner, April 9 and 30 at 12, Manchester: Off. Ass. Hernaman; Sols. Atkinsons & Co., Manchester.—Pet. f. March 18.

## MEETINGS.

*Godfrey Morton and John Williams*, Portmadoc, Carnarvonshire, builders, April 4 at 11, Liverpool, last ex.—*John Jennings*, Gough-square, Fleet-street, City, printer, April 4 at half-past 11, London, and ac.—*John I. Grylls*, Pontardulais, Carmarthenshire, *Wm. Stubbs*, Llanelly, Carmarthenshire, and *Richard Booty Cousins*, York-square, Stepney, Middlesex, engineers, April 12 at 11, Bristol, and ac. sep. est. of *Wm. Stubbs*.—*Paul Millard*, Steeple Ashton, Wiltshire, grocer, April 26 at 11, Bristol, and ac.—*Edwin Parkes*, Gloucester, currier, April 25 at 11, Bristol, and ac.—*Joseph Stoddart*, North Leach, Gloucestershire, draper, April 5 at 11, Bristol, and ac.—*George J. Webb*, Llanelly, Carmarthenshire, coal merchant, April 12 at 11, Bristol, and ac.—*John Williams*, Dullyrn Ironworks, Cadoxton-juxta-Neath, Glamorganshire, ironmaster, April 12 at 11, Bristol, and ac.

—*Joseph Harland*, Leeds, Yorkshire, cloth merchant, April 4 at 11, Leeds, and ac.—*John Thornhill*, Sheffield, Yorkshire, awl-blade manufacturer, April 6 at 10, Sheffield, and ac.—*George Baker* and *George Baker* the younger, Thread-needle-street, City, sharebrokers, April 13 at 12, London, div.—*James M. Abbott*, Hanwell, Middlesex, carpenter, April 15 at half-past 11, London, div.—*Thomas Mayo*, Chesham, Buckinghamshire, wooden ware manufacturer, April 15 at 12, London, div.—*Edward R. Daunt* and *John Wilson*, Old Broad-street, City, billbrokers, April 12 at 12, London, div. sep. est. of *Edward R. Daunt*.—*Wm. N. Evans* and *Robert B. Evans*, Colyton, Devonshire, tanners, April 24 at 12, Exeter, div. sep. est. of *Wm. N. Evans*.—*Wm. Gilyard* and *Samuel Brown*, Bradford, Yorkshire, machine woodcombers, April 12 at 11, Leeds, div.—*Henry Brown* and *Brook Hodgson*, Halifax, Yorkshire, velvet manufacturers, April 12 at 11, Leeds, div. sep. est. of *Henry Brown*.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Daniel Green*, High-street, Vauxhall, Surrey, and Crayford, Kent, potter, April 12 at 1, London.—*John Bisle*, Lombard-street, City, dealer in shares, April 12 at half-past 12, London.—*Wm. H. Smith*, *Henry W. Withers*, *Charles W. Coen*, and *George Parson*, Creek Bridge-road, Deptford, Kent, coal merchants, April 12 at 11, London.—*Henry Dray*, Priory Mills, Tunbridge, Kent, dealer and chapman, April 13 at 12, London.—*John Hall*, Purfleet Wharf, Camden-town, Middlesex, wharfinger, April 15 at 2, London.—*Jos. Agate*, Bmsworth, Hampshire, grocer, April 16 at half-past 2, London.—*John Henry Cottam*, Kirton-in-Lindsey, Lincolnshire, machine maker, April 17 at 12, Kingston-upon-Hull.—*Des. Jones*, Wrexham, Denbighshire, ironmonger, April 12 at 11, Liverpool.

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## TUESDAY, March 26.

## BANKRUPTS.

JOHN KING, New Alresford, Southampton, saddler, April 5 at 12, and May 9 at half-past 1, London: Off. Ass. Bell; Sol. Lott, 44, Parliament-street.—Pet. f. March 26.

JAMES HARDEN GATES, Manor-street, Clapham, Surrey, builder, April 5 at 11, and May 9 at 2, London: Off. Ass. Johnson; Sol. Hewitt, 4, Princes-street, Bank.—Pet. f. March 22.

PHILIP RAPHAEL, Duke-street, Aldgate, City, wine merchant (formerly of Magdalen-row, Great Prescot-st., Middlesex, cigar dealer), April 9 at half-past 12, and May 1 at 2, London: Off. Ass. Stanfeld; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Jan. 21.

GEORGE EDWARD PARKER, Moorgate-street, City, and Buckingham-street, Strand, Middlesex, dealer in foreign goods (now a prisoner in the Queen's Prison), April 9 at half-past 2, and May 9 at 2, London: Off. Ass. Edwards; Sol. Treherne, 17, Gresham-st., London.—Pet. f. March 13.

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THE JURIST.

LONDON, MARCH 30, 1861.

IN a former number (ante, p. 76) we gave at length the speech of the Solicitor-General in introducing to the House of Commons a series of bills—seven in number—for the consolidation and amendment of our statute law on the following subjects—offences against the person, malicious injuries to property, larceny, forgery, coinage offences, accessories and abettors, and also to repeal certain enactments which have been consolidated in other acts. These bills have been, on the motion of the learned gentleman, referred to a select committee: consisting of the Attorney-General, the Solicitor-General, Sir George Lewis, the Lord Advocate, Sir Fitzroy Kelly, Sir Hugh Cairns, Mr. Serjeant Kinglake, and Messrs. Whiteside, G. Mure, Massey, Henley, Selwyn, Walpole, G. Hardy, Roebuck, Edwin James, Butt, Macaulay, Mellor, Bovill, Cobbett, Collier, Locke, Hadfield, M'Mahon, Ewart, Digby Seymour, Denman, and Ayrton; five to be a quorum, and with power to send for persons, papers, and records.

That our laws require, and have long required, large reform is fully conceded on all hands; but whether the proper mode of effecting this is by "codification," or "consolidation and amendment," is a much-disputed question. Whether rightly or not, the Legislature of our day has determined, at least for the present, in favour of the latter, and the above bills of the Solicitor-General are introduced in furtherance of this view. Still, it is observable that in our Indian Empire we are at this very moment proceeding on the opposite plan of codification, the Penal Code of India being now complete, and to come into operation in May next\*.

It is strongly urged by some persons, that any attempt to consolidate and amend our laws with effect must necessarily prove abortive so long as the present mode of legislation is adhered to. They contend, that in order to secure anything like symmetry or harmony in such a labour it is necessary that bills be settled by a few individuals selected for the purpose, and then passed into law by the Legislature, in reliance on their ability and honesty; and, indeed, where the object is merely to consolidate into one a number of statutes scattered through the statute-book, this reasoning may possibly be well founded. But the proposal to delegate to a few individuals the power of legislating on what amendments are required in the law is a different matter, and is a proposition somewhat calculated to startle. Take, for instance, the case before us—the special committee to which the bills of the Solicitor-General are referred—and let us direct our attention to the first of them, the bill to consolidate and amend the laws relating to offences against the person. In dealing with that bill the committee will have to consider, inter alia, the questions, whether for these offences the punishment of death ought to be abolished, either wholly or partially, and whether corporal punishment by the lash ought to be retained in that part of our criminal law. These surely are great questions of legislation, the solution of which rests with those whose duty it is to make our laws; and not with some twenty or thirty individuals, no matter how eminent, or how chosen. But when we observe the composition of the committee to which these bills are referred, it will be found that the members of it are all, or nearly all, of the legal profession—many of them undoubtedly in the first ranks of the English Bar. If, as we have already observed, these were mere consolidation bills, this selection would be intelligible; but they are also amendment bills, and

\* See, on this subject, The Indian Penal Code (Act XLV of 1860); with Notes. By W. Morgan and A. G. Macpherson, Esqrs., Barristers-at-Law. Calcutta: G. C. Hay & Co., 56, Cossitollah; and 2, Crescent-place, Blackfriars, London, 1861.



why should the amendment of the law be entrusted exclusively to lawyers? This is, indeed, reversing Lord Bacon's maxim, that "the wisdom of the lawyer is one thing, the wisdom of the lawgiver is another."

We have now only to await the report of the select committee, and much will depend on the time when it is presented. If these bills are principally consolidation measures, they may easily pass into law this session, under any circumstances; but if they involve important amendments in the law, we sincerely trust that we shall be spared a repetition of what we have too often witnessed—the discussion of great measures of legal reform in the middle of summer, when the members of the Legislature are exhausted by the previous labours of the session, and impeded by the heat of the weather, and other obstacles to sound and well-considered legislation. Although a retardation of reform for a time, it would be far better, under such circumstances, to defer the discussion until the next session, with the understanding that no excuse be allowed to prevent a matter of such importance being then disposed of without delay.

### Correspondence.

#### COSTS OF ACTIONS IN THE SUPERIOR COURTS OF LAW.

TO THE EDITOR OF "THE JURIST."

SIR,—I avail myself of your kind permission to resume in your columns the subject to which my letter of last week was devoted.

We now come to the consideration of an entirely different class of enactments—namely, those which were passed for the purpose of limiting the general right to costs.

At an early period in our judicial history it was discovered that the indiscriminate award of costs to the successful party tended to encourage the bringing of actions on frivolous, though technically rightful, grounds, and also favoured the vexatious choice of the higher and more costly, in preference to the inferior, tribunals. To check this evil the 43 Eliz. c. 6, was passed, which declared, that "if upon any action personal to be brought in any of her Majesty's courts at Westminster, not being for any title or interest of lands, nor concerning the freehold or inheritance of any lands, nor for any battery, it shall appear to the judges of the same court, and so signified or set down by the justices before whom the same shall be tried, that the debt or damages to be recovered therein, in the same court, shall not amount to the sum of 40s. or above, that in every such case the judges and justices before whom any such actions shall be pursued shall not award for costs to the party plaintiff any greater or more costs than the sum of the debt or damages so recovered shall amount unto, but less, at their discretion."

To explain this enactment it should be remarked, that the county or sheriff's court of that time had exclusive<sup>\*</sup> cognisance of all† personal actions (not being for trespass vi et armis, or for land of freehold, &c.) under the value of 40s.; and therefore it became a common device, for the purpose of taking the case out of the inferior jurisdiction, to lay the damages in the declaration at an amount above that sum. The framers of the statute struck at the root of this mis-

chief by making the certificate of the judge, to the effect that the extra claim was not *bona fide*, the instrument for taking away the right to costs; in effect, they said to the plaintiff, "If you will harass your opponent by coming to the courts at Westminster, when you ought to bring your suit in the county court, you shall forfeit the right to full costs, which success would otherwise give you."

In the following reign it was thought necessary to do something still more stringent towards repressing frivolous actions for verbal defamation; and accordingly the 21 Jac. 1, c. 16, s. 6, enacted, that in all actions for slanderous words, wherever tried, if the jury assess the damages under 40s., then the plaintiff should recover only so much costs as the damages so assessed amount to, any law, &c. to the contrary notwithstanding.

So things remained in this respect until the 22 & 23 Car. 2, c. 9, was passed, which, by the construction<sup>\*</sup> of the judges, was limited in its application to actions of trespass *quare clausum fregit*, together with the personal actions excluded from the operation of the 43 Eliz. c. 6—namely, actions of assault and battery, and those in which title to land came in question. In its treatment of these it differed materially from the example of its great predecessor; for it laid down that if the jury gave less than 40s. damages, the plaintiff should not recover more costs than the damages so found should amount to, *unless* the judge certified that an assault and battery was proved, or that title to land was chiefly in question. This section of the statute is not now in force, having been expressly repealed by the 3 & 4 Vict. c. 24; but it is necessary to refer to it because of its supposed connexion with the 8 & 9 Will. 3, c. 11, of which act sect. 4 says, that "in all actions of trespass in any of his Majesty's courts of record at Westminster, wherein, at the trial of the cause, it shall appear, and be certified by the judge under his hand upon the back of the record, that the trespass upon which any defendant shall be found guilty was wilful and malicious, the plaintiff shall recover, not only his damages, but his full costs of suit, any former law to the contrary notwithstanding." It has been held, in *Bouyer v. Cook* (4 C. B. 236), that this merely operated to mitigate the stringency of the 136th section of the 22 & 23 Car. 2, c. 9, and therefore that the repeal of the latter annihilates both. Obviously the words of the section have no meaning if there was nothing antecedent to them which operated to take away costs in cases where a certificate of wilful and malicious trespass might possibly be given. But were the Court of Common Pleas strictly right in saying that the 136th section of the 22 & 23 Car. 2, c. 9, was the only enactment which had this operation? A verdict for less than 40s. in an action for trespass *quare clausum fregit*, where title to land was not in question, followed by the judge's certificate, pursuant to the 43 Eliz. c. 6, would have the same depriving effect. Of course, if the giving of this certificate is entirely discretionary with the judge, as is probably the case, the above decision is practically correct; but still this very indirect mode of repealing an express statute is extremely unsatisfactory.

The 3 & 4 Vict. c. 24, is the only act relating to our present topic which remains to be considered. It repealed, in express terms, the 22 & 23 Car. 2, c. 9, s. 136, and impliedly, we must assume, the 8 & 9 Will. 3, c. 11, s. 4; it also took actions of trespass and trespass on the case out of the operation of the 43 Eliz. c. 6. Having done this, the 2nd section enacted, that in actions of trespass and trespass on the case, where the plaintiff recovered less damages than 40s., he should

\* 6 Edw. 4, c. 8; *Kennard v. Jones* (4 T. R. 485).

† See authorities in Com. Dig., "County," C. 8.

\* 3 Will. 322; *Marriott v. Stanley* (1 Man. & G. 828).

have no costs whatever unless the judge or officer who presided at the trial should certify that the action was really brought to try a right, besides the mere right to recover damages for the grievance complained of in the action, or that the trespass or grievance in respect of which the action was brought was wilful and malicious. And the 3rd section provided that nothing in the act should deprive the plaintiff of his costs in an action for trespass committed by the defendant after notice not to trespass.

Wilde, C. J., in *Bouyer v. Cook*, concisely summed up the effect of this most difficult statute, by saying that "a plaintiff who recovers less damages than 40s., in an action of trespass or trespass on the case, is entitled to no costs unless the judge shall certify that the action was brought to try a right, or that the trespass or grievance in respect of which the action is brought was wilful and malicious, except where the defendant has had a previous notice not to trespass."

Where there has been this notice—which must be made to appear on the record by suggestion, if necessary, in which case it may be remarked that the costs of an issue on the suggestion would not fall within any existing enactment (see *Norwood v. Pitt*, 6 Jur., N. S., part 1, p. 614)—as the act then does not apply, and no other act operating upon actions of trespass remains, the plaintiff is remitted to his full right under the Statute of Gloucester.

Again: where a certificate has been given under the 2nd section, the act is also rendered inoperative (*Evans v. Rees*, 30 L. J., C. P., 16), and the plaintiff either falls under the scarcely more merciful restraint of the 21 Jac. 1, c. 16, s. 6, which only gives as much costs as damages, or obtains his full costs.

In all other personal actions, excepting trespass and trespass on the case, where the verdict is for less than 40s. damages, the 43 Eliz. c. 6, still governs the right to costs.

So much for the present state of the legislation upon costs, as defined by the time-honoured quantum of 40s. damages. It certainly is not so explicit as to render an attempt at simplification undesirable, even if there should be reason for continuing the existence of a limiting point, which has long ceased to have any practical significance.

Let us pass on to the next set of limiting statutes, namely, the county court and cognate acts.

The modern county courts were established in 1846, by the 9 & 10 Vict. c. 95, and the 58th section of this act limited their jurisdiction, in respect of the amount in litigation, to cases where the debt or damage claimed is not more than 20l. Over some of the cases within the class defined by sect. 58, characterised by certain circumstances of locality mentioned in sect. 128, the county courts were given a jurisdiction concurrent with that of the superior courts, while over the remainder the county courts obtained exclusive jurisdiction (to use a somewhat incorrect but convenient adjective). Then, following the example set by the 43 Eliz. c. 6, though not imitating its simplicity, the 129th section proceeded to exclude from the superior courts, on pain of losing costs, not all cases within the new county court jurisdiction, nor even all within its exclusive jurisdiction, but all contracts within the latter, together with so many torts within it as are defined by the circumstance that the damages do not amount to more than 5l.!

Why the Legislature should have thus attempted to separate actions for contract and tort it is very difficult to conceive; the more so as they did nothing of the kind when fixing the superior limit of the county court jurisdiction. The learned judges of the Court of Queen's Bench lately, in *Tatton v. The Great Western Railway Company* (6 Jur., N. S., part 1, p. 800), ex-

pressed very strong opinions against the reality of this distinction; and that case illustrated in a remarkable manner the practical difficulty of observing it.

The latter part of the 129th section gave costs as between attorney and client to the defendant in certain cases where the plaintiff did not obtain a verdict, unless the judge certified to the contrary.

This statute expressly left untouched the question of costs in cases belonging to the concurrent jurisdiction, and impliedly in the case of judgment by default; it also provided, by judge's certificate, for a mitigation of the penalty in the other cases. However, as there was much practical inconvenience lying in the way of parties who wanted to avail themselves of these advantages, the provisions of this act upon this point were superseded by the 13 & 14 Vict. c. 61.

The 1st section of the 13 & 14 Vict. c. 61, increased the higher range of the county court jurisdiction to 50l., but it made no alteration in the 20l. and 5l., as determining the right to costs in the superior courts; so that cases triable in the county courts may now be separated into three classes:—

First, those whose circumstances of locality place them in the concurrent jurisdiction.

Secondly, those not so distinguished, and where the amount recovered does not exceed 20l. and 5l. in contract and tort respectively.

Thirdly, those not so distinguished, and where the amount recovered lies between 20l. and 50l. in contract, and 5l. and 50l. in tort, inclusive of the latter limit in both cases.

There is no check whatever provided by this act against bringing class 3 into the superior courts. If class 2, or any resembling them, are brought there, no costs will be awarded, unless the judge shall certify on the back of the record that it appeared to him at the trial that the cause of action was one for which a plaintiff could not have been entered in a county court, or that there was sufficient reason for bringing the action in the superior court, or unless an order of court or of a judge in chambers be obtained, under the provision of sect. 13. And, finally, those of class 1, if brought in superior courts, and if only 20l. or 5l. be recovered, will also be awarded costs by an order under sect. 13, but not by certificate. It must be added, that this act expressly exempted judgment by default from deprivation of costs.

Whether the words "judgment by default," here used, are confined to actions of contract, or whether they extend to cases of tort, followed by an assessment of damages on a writ of inquiry, is not clear. However, as to judgments by default in actions of contract, this doubt is now of no importance, for if the amount of damages claimed, and therefore recovered, does not exceed 20l., the plaintiff is, by sect. 30 of stat. 19 & 20 Vict. c. 108, deprived of costs, unless the court in which the action is brought, or a judge, otherwise directs; and it has been held (*Heard v. Edey*, 3 Jur., N. S., part 1, p. 71) that the effect of this is to remove default in an action on contract from the above exemption.

Previously to this change, sect. 13 of stat. 13 & 14 Vict. c. 61, which provided, in certain cases, a release by order of the court or judge from deprivation of costs, was repealed; and sect. 4 of stat. 15 & 16 Vict. c. 54, substituted for it.

Thus we have still in force four County Court Acts regulating costs in the superior courts—one, the 9 & 10 Vict. c. 95, s. 129, giving costs as between attorney and client to a successful defendant; another, the 13 & 14 Vict. c. 61, ss. 11, 12, depriving a plaintiff of costs who obtains a verdict not exceeding 20l. or 5l. respectively, unless the judge gives a certain certificate; a third, the 19 & 20 Vict. c. 108, s. 30, places judgments by de-

fault in the same position as the verdicts just mentioned; and the fourth, the 15 & 16 Vict. c. 54, s. 4, enabling the plaintiff, in any of these cases, to get his costs restored to him under certain circumstances, by obtaining an order from a court or judge to that effect.

Analogous to the County Court Acts is the 15 Vict. c. lxxvii, which re-organised the sheriff's court in the city of London, and made it, in fact, the county court for a metropolitan district. Sects. 120, 121, and 122, in effect, repeated the foregoing enactments of the County Court Acts relative to deprivation and restoration of costs in actions in the superior courts, merely placing the sheriff's court jurisdiction for that of the county court among the facts to be certified by the court or judge, and making the disqualifying verdict "*less than*," instead of "*not exceeding*," 20*l.* and 5*l.* respectively. But the 119th section, which appears to have found its way into the act in a most unaccountable manner, introduced an additional restraint upon a plaintiff's right to costs. The only meaning that can be given to it (and even this construction, it may be remarked, renders part of its words superfluous) is, that if a plaintiff

in superior courts, in any action on contract, which might, with some exceptions, be brought in the city court (whose jurisdiction extends to 50*l.*, and is very comprehensive in locality), recover 20*l.*, and not more than 50*l.*, he will be deprived of costs by the defendant entering a suggestion on the record, unless he obtains the certificate or order prescribed for the relief of the other cases.

Nor are these all the acts which profess to deal with limited verdicts, for the 23 & 24 Vict. c. 126, s. 34, enacts, that in any action for *tort* in the superior courts, where *less than 5*l.** is recovered, the plaintiff shall have no costs if the judge certifies that the action was not brought to try a right, and that the trespass was not wilful, and malicious, and was not fit to be brought. It is remarkable that this section does not place a verdict of *exactly 5*l.** under the depriving power of the judge, but leaves it to the chance of escaping the forfeiting section of the County Court Act.

The confusion into which matters are thrown by these concurrent acts of Parliament will be readily perceived from the following diagram:—

*Cases of Actions in Superior Courts where Costs are limited by Sum recovered.*

<i>Class of Cases.</i>	<i>Defined by.</i>	<i>Verdict.</i>	
A. ....	City Small Debts Act.....	20 <i>l.</i> and not exceeding 50 <i>l.</i>	No costs, if followed by suggestion, unless there be certificate or order.
B. ....	County Court Act .....	Not more than 20 <i>l.</i> ....	No costs, unless by certificate or order.
C. ....	City Small Debts Act.....	Less than 20 <i>l.</i> .....	No costs, unless by certificate or order.
D. ....	County Court Act .....	Not more than 5 <i>l.</i> .....	No costs, unless by certificate or order.
E. ....	City Small Debts Act.....	Less than 5 <i>l.</i> .....	No costs, unless by certificate or order.
F. { embracing	Common-law Procedure Act,		
both D. & E.	1860. ....	Less than 5 <i>l.</i> .....	No costs, if judge certifies.
G. ....	Lord Denman's Act, sect. 3.	Less than 40 <i>s.</i> .....	Full costs, if followed by suggestion of notice.
H. ....	Lord Denman's Act .....	Less than 40 <i>s.</i> .....	No costs, unless judge certifies.
I. ....	Ditto, together with Slander Act .....	Less than 40 <i>s.</i> .....	No costs, unless judge certifies, and then no more than damages.
K. ....	Act of Elizabeth .....	Less than 40 <i>s.</i> .....	No costs, if judge certifies.

*Of course the Classes A., B., &c. are not all exclusive of each other, nor is the sum mentioned as the limit always to be recovered by verdict.*

Besides the general legislation upon the subject of costs in the superior courts, which I have attempted to describe, there are many other acts directed to the costs of action in special cases, such as actions on judgments, actions for infringement of patents, actions against persons for what they have done *pursuant* to a statute, actions for debt, of which affidavit has been filed under the Bankruptcy Act, &c.

It is not necessary for me to mention these in detail. My purpose has been attained if I have succeeded in presenting to the readers of THE JURIST a tolerably comprehensive view of the very numerous and sometimes discordant enactments which bear upon this subject.

How unnecessary is all this complexity appears when it is remembered that the result aimed at is, after all, very simple indeed; it is nothing more than this:—

1. To give the plaintiff or the defendant, or some of the individual defendants, should the action be brought against more persons than one, according as they respectively succeed in the contest between them, the right to obtain the costs of suit from his antagonist.

2. To distribute between the plaintiff and the defendant the costs of the issues, where several are raised by the pleadings to one cause of action, and neither party has succeeded upon them all.

3. To check vexatious litigation, by prescribing some test for the purpose of sifting out of the superior courts all actions which either ought not to be brought

at all, or might with complete justice have been decided in an inferior court.

If this result can be effected by the operation of one statute, instead of through the agency of innumerable partial enactments, scattered among the statutes at large, extending from the reign of Queen Elizabeth to that of Queen Victoria, it is certainly quite time that the change should be made. Mr. Seymour's bill is directed to the three points just mentioned, and according to the degree of success with which it reaches them ought to be the measure of approbation accorded to his efforts.

Temple.

I am, yours &c.,

J. B. PHEAR.

## Court Papers.

SITTINGS IN EASTER TERM, 1861.

### Court of Chancery.

*Before the LORD CHANCELLOR.*

*At Westminster.*

Monday .. April 15 Appeal Motions and Appeals.

*At Lincoln's Inn.*

Tuesday..... 16 Petitions and Appeals.

Wednesday .... 17

Thursday ..... 18

Friday ..... 19

Saturday ..... 20

} Appeals.

Monday.....	22	} Appeals.
Tuesday.....	23	
Wednesday....	24	
Thursday.....	25	} Appeal Motions and Appeals.
Friday.....	26	
Saturday.....	27	
Monday.....	29	} Appeals.
Tuesday.....	30	
Wednesday.. May 1		
Thursday.....	2	} Appeal Motions and Appeals.
Friday.....	3	
Saturday.....	4	
Monday.....	6	} Appeals.
Tuesday.....	7	
Wednesday....	8	

Notice.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

*Before the LORDS JUSTICES.*

*At Westminster.*

Monday .. April 15 Appeal Motions.

*At Lincoln's Inn.*

Tuesday.....	16	} Appeal Motions and Appeals.
Wednesday....	17	
Thursday.....	18	
Friday.....	19	} Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday.....	20	
Monday.....	22	
Tuesday.....	23	} Appeals.
Wednesday....	24	
Thursday.....	25	
Friday.....	26	} Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday.....	27	
Monday.....	29	
Tuesday.....	30	} Appeals.
Wednesday.. May 1		
Thursday.....	2	
Friday.....	3	} Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday.....	4	
Monday.....	6	
Tuesday.....	7	} Appeals.
Wednesday....	8	

Notice.—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the MASTER OF THE ROLLS.*

*At Westminster.*

Monday .. April 15 Motions.

*At Chancery-lane.*

Tuesday.....	16	} General Paper.
Wednesday....	17	
Thursday.....	18	
Friday.....	19	} Petitions, Short Causes, Adjourned Summonses, and General Paper.
Saturday.....	20	
Monday.....	22	
Tuesday.....	23	} General Paper.
Wednesday....	24	
Thursday.....	25	
Friday.....	26	} Motions.
Saturday.....	27	
Monday.....	29	
Tuesday.....	30	} General Paper.
Wednesday.. May 1		
Thursday.....	2	
Friday.....	3	} Motions.
Saturday.....	4	
Monday.....	6	
Tuesday.....	7	} Petitions, Short Causes, Adjourned Summonses, and General Paper.
Wednesday....	8	

N. B.—Unopposed Petitions must be presented, and

copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Westminster.*

Monday .. April 15 Motions.

*At Lincoln's Inn.*

Tuesday.....	16	} General Paper.
Wednesday....	17	
Thursday.....	18	
Friday.....	19	} Petitions.
Saturday.....	20	
Monday.....	22	
Tuesday.....	23	} General Paper.
Wednesday....	24	
Thursday.....	25	
Friday.....	26	} Motions and General Paper.
Saturday.....	27	
Monday.....	29	
Tuesday.....	30	} Short Causes, Adjourned Summonses, and General Paper.
Wednesday.. May 1		
Thursday.....	2	
Friday.....	3	} General Paper.
Saturday.....	4	
Monday.....	6	
Tuesday.....	7	} Short Causes, Adjourned Summonses, and General Paper.
Wednesday....	8	

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Westminster.*

Monday .. April 15 Motions.

*At Lincoln's Inn.*

Tuesday.....	16	} General Paper.
Wednesday....	17	
Thursday.....	18	
Friday.....	19	} Petitions and General Paper.
Saturday.....	20	
Monday.....	22	
Tuesday.....	23	} General Paper.
Wednesday....	24	
Thursday.....	25	
Friday.....	26	} Motions and General Paper.
Saturday.....	27	
Monday.....	29	
Tuesday.....	30	} Petitions and General Paper.
Wednesday.. May 1		
Thursday.....	2	
Friday.....	3	} Short Causes and General Paper.
Saturday.....	4	
Monday.....	6	
Tuesday.....	7	} General Paper.
Wednesday....	8	

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Westminster.*

Monday .. April 15 Motions.

*At Lincoln's Inn.*

Tuesday.....	16	} General Paper.
Wednesday....	17	
Thursday.....	18	
Friday.....	19	} Petitions, Short Causes, and General Paper.
Saturday.....	20	

Monday.....	23	} General Paper.
Tuesday.....	23	
Wednesday ..	24	
Thursday .....	25	Motions and General Paper.
Friday .....	26	General Paper.
Saturday .....	27	Petitions, Short Causes, and General Paper.
Monday.....	29	} General Paper.
Tuesday.....	30	
Wednesday... May 1		
Thursday .....	2	Motions and General Paper.
Friday .....	3	General Paper.
Saturday .....	4	Petitions, Short Causes, and General Paper.
Monday.....	6	} General Paper.
Tuesday.....	7	
Wednesday ....	8	Motions and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

### LIST OF SHERIFFS AND UNDER-SHERIFFS, WITH THEIR DEPUTIES AND AGENTS, FOR 1861.

\* Warrants are not granted in town for those places marked (\*). The term of office of the sheriffs, &c., for cities and towns, expires on the 9th November. Office hours—in Term, from 11 till 4; and in Vacation, from 1 till 3.

**Bedfordshire**—Joseph Tucker, Esq., The Bury, Pavenham, near Bedford.

*Undersh.*, Thomas Wesley Turnley, Esq., Bedford.  
*Dep.*, Shum & Crossman, 3, King's-road, Bedford-row, W. C.

**Berkshire**—H. L. Hunter, Esq., Beech Hill, near Reading.

*Undersh.*, J. J. Blandy, Esq., Reading.  
*Dep.*, Gregory, Skirrow, & Rowcliffe, 1, Bedford-row, W. C.

**Berwick-upon-Tweed**—John Mill Meggison, Esq., Berwick-upon-Tweed.

*Undersh.*, Stephen Sanderson, Esq., Berwick.  
*Dep.*, George Knox, 3, Bloomsbury-square, W. C.

**\* Bristol**—Joshua Saunders, Esq., Bristol.

*Undersh.*, William Ody Hare, Esq., Bristol.  
*Dep.*, Bridges & Son, Red Lion-square, W. C.

**Buckinghamshire**—Sir Anthony Rothschild, Ashton Clinton.

*Undersh.*, James James, Esq., Aylesbury.  
*Dep.*, Meyrick & Gedge, 4, Storey's-gate, Westminster, S. W.

**Camb. & Hunts.**—Edward Hicks, Esq., Wilbraham Temple.

*Undersh.*, Clement Francis, Esq., Cambridge.  
*Dep.*, J. & C. Cole, 36, Essex-street, Strand, W. C.

**\* Canterbury**—Herbert Tritton Sankey, Esq., Canterbury.

*Undersh.*, Sankey & Son, Canterbury.  
*Dep.*, Kingsford & Dorman, 23, Essex-street, Strand, W. C.

**Cheshire**—Edward Holt Glegg, Esq., Blackford Hall.

*Undersh.*, John Hostage, Esq., Chester.  
*Dep.*, George F. Hudson, 23, Bucklersbury, E. C.

**\* Chester**—James Rowe, Esq., Chester.

*Undersh.*, John Hostage, Esq., Chester.  
*Dep.*, Chester, Toulmin, & Chester, 11, Staple-inn, W. C.

**Cornwall**—John Francis Basset, Esq., Tehidy, Bodruth.

*Undersh.*, Philip P. Smith, Esq., Truro, Cornwall.  
*Dep.*, Gregory, Skirrow, & Rowcliffe, 1, Bedford-row, W. C.

**Cumberland**—Thomas Ainsworth, Esq., The Floss, Carlisle.

*Undersh.*, George Gill Mounsey, Esq., Carlisle.  
*Dep.*, Gray & Mounsey, 9, Staple-inn, W. C.

**\* Derbyshire**—William Thomas Cox, Esq., Spordon Hall.

*Undersh.*, G. H. R. Cox, Esq., Market-place, Derby.  
*Dep.*, W. & H. P. Sharp, 93, Gresham House, Old Broad-street, W. C.

**Devonshire**—Sir John Thomas Buller Duckworth, Bart., Wear, Topsham.

*Undersh.*, Thomas Edward Drake, Esq., Exeter.  
*Dep.*, G. F. Cooke, 35, Southampton-buildings, Chancery-lane, W. C.

**Dorsetshire**—R. H. O. Swaffield, Esq., Westdown Lodge, Weymouth.

*Undersh.*, Thomas Coombs, Esq., Dorchester.  
*Dep.*, Rickards & Walker, 29, Lincoln's-inn-fields, W. C.

**\* Durham**—Richard Lawrence Pemberton, Esq., Barnes.

*Undersh.*, Wm. Emerson Wooler, Esq., Durham.  
*Dep.*, James Crowdy, 17, Serjeants'-inn, Fleet-street, W. C.

**Essex**—George Alan Lowndes, Esq., Barrington Hall.

*Undersh.*, { Thomas M. Gepp, Esq., Chelmsford.  
Gepp & Vesey, Chelmsford. A. U.  
*Dep.*, Hawkins, Bloxam, & Hawkins, 2, New Bowell-court, W. C.

**\* Exeter**—Henry Sparkes Bowden, Esq., Exeter.

*Undersh.*, Kingaland Snelgrove, Esq., Exeter.  
*Dep.*, Mead & Daubney, 2, King's-bench-walk, Temple, W. C.

**\* Gloucester**—William Nicka, Esq., Gloucester.

*Undersh.*, William Matthews, Esq., Gloucester.  
*Dep.*, W. C. Smith, 31, Lincoln's-inn-fields, W. C.

**\* Gloucestershire**—J. Waddingham, Esq., Gaiting Grange, Winchcombe.

*Undersh.*, J. Burrup, Esq., Berkeley-st., Gloucester.  
*Dep.*, White & Sons, 11, Bedford-row, W. C.

**Hampshire**—William H. Deverell, Esq., Parbrook Park, near Cosham.

*Undersh.*, T. B. Woodham, Esq., Winchester.  
*Dep.*, Riddale & Craddock, 5, Gray's-inn-square, W. C.

**\* Herefordshire**—Robert H. L. Warner, Esq., Tiverton Court.

*Undersh.*, N. Lanworne, Esq., Hereford.  
*Dep.*, G. F. Cooke, 35, Southampton-buildings, Chancery-lane, W. C.

**Hertfordshire**—William J. Lloyd, Esq., Abbots Langley.

*Undersh.*, { Philip Longmore, Esq., Hertford.  
Longmore & Swarder, Hertford. A. U.  
*Dep.*, Hawkins, Bloxam, & Hawkins, 2, New Bowell-court, W. C.

**Hunts. & Camb.**—Edward Hicks, Esq., Wilbraham Temple.

*Undersh.*, Clement Francis, Esq., Cambridge.  
*Dep.*, John & Charles Cole, 36, Essex-street, W. C.

**Kent**—Alexander Kandal, Esq., Foley House, Maidstone.

*Undersh.*, F. Scudamore, Esq., Maidstone.  
*Dep.*, Palmer, Palmer, & Bull, 24, Bedford-row, W. C.

**\* Kingston-upon-Hull**—Edward Dennatt, Esq., Kingston-upon-Hull.

*Undersh.*, J. T. Tenney, Esq., Kingston-upon-Hull.  
(No town agent to be appointed).

**\* Lancashire**—Sir H. De Trafford, Bart., Trafford Park.

*Undersh.*, { Thomas Darwell, Esq., Manchester.  
Wilson, Deacon, & Wilson, Preston.  
A. U.

*Dep.*, Riddale & Craddock, 5, Gray's-inn-square, W. C.

**Leicestershire**—Richard Sutton, Esq., Skeffington.

*Undersh.*, William J. Wooley, Esq., Loughborough.  
*Dep.*, Williamson, Hill, & Co., 10, Great James-street, W. C.

**\* Lichfield**—Thomas Arthur Griffith, Esq., Lichfield.

*Undersh.*, John Philip Dyott, Esq., Lichfield.  
*Dep.*, S. B. Somerville, 48, Lincoln's-inn-flds, W. C.

**Lincoln**—John Norton, jun., Esq., Lincoln.

*Undersh.*, Thurston George Dale, Esq., Lincoln.  
*Dep.*, Taylor & Co., 28, Great James-street, Bedford-row, W. C.

**Lincolnshire**—Weston Cracroft Amcotts, Esq., Kettlethorpe.

*Undersh.*, { Fred. W. Tweed, Esq., Horncastle.  
Henry Williams, Esq., Lincoln. A. U.

*Dep.*, Taylor & Co., 28, Great James-street, Bedford-row, W. C.

**London**—James Abbiss, Esq., Gracechurch-street.

*Undersh.*, O. C. T. Eagleton, Esq., 84, Newgate-street.

*Dep.*, Secondary Potter, 5, Basinghall-street, E. C.

**Middlesex**—Andrew Luak, Esq., Fenchurch-street.

*Undersh.*, { C. Gammon, Esq., 9, Cloak-lane.  
W. Burchell, Esq., 24, Red Lion-square, A. U.

*Dep.*, Burchell & Hall, 24, Red Lion-square, W. C.

**\* Monmouthshire**—J. P. Carruthers, Esq., The Grondra, near Chepstow.  
*Undersk.*, W. E. Toye, Esq., Chepstow.  
*Depe.*, White & Sons, 11, Bedford-row, W. C.

**Newcastle-upon-Tyne**—Thomas Hedley, Esq., Newcastle-upon-Tyne.  
*Undersk.*, G. W. Hodge, Esq., Newcastle-upon-Tyne.  
*Depe.*, Torr, Janaway, & Tagart, 38, Bedford-row, W. C.

**Norfolk**—John Thomas Mott, Esq., Barnigham Hasworth.  
*Undersk.*, { Herbert J. Johnson, Esq., Cromer.  
 Clement Taylor, Esq., Norwich, A. U.  
*Depe.*, J. W. & W. Flower, 17, Gracechurch-street, City, E. C.

**Northamptonshire**—John Edmund Severne, Esq., Thesford House.  
*Undersk.*, Arthur Weston, Esq., Brackley.  
*Depe.*, Torr, Janaway, & Tagart, 38, Bedford-row, W. C.

**Northumberland**—William John Pawson, Esq., Shawdon.  
*Undersk.*, Benjamin Woodman, Esq., Morpeth.  
*Depe.*, J. Crosby, 3, Church-court, Old Jewry, E. C.

**\* Norwich**—Donald Dairymple, Esq., Norwich.  
*Undersk.*, Francis Goetling Foster, Esq., Norwich.  
*Depe.*, Sharpe, Jackson, & Parker, 41, Bedford-row, W. C.

**Nottingham**—Henry Savile, Esq., Rufford Abbey.  
*Undersk.*, John Brewster, Esq., Nottingham.  
*Depe.*, Taylor & Co., 28, Great James-street, Bedford-row, W. C.

**Nottinghamshire**—William Lambert, Esq., Nottingham.  
*Undersk.*, Christopher Swann, Esq., Nottingham.  
*Depe.*, Loftus & Young, 10, New-inn, W. C.

**Oxfordshire**—Henry Birch Reynardson, Esq., Adwell.  
*Undersk.*, John Marriott Davonport, Esq., Oxford.  
*Depe.*, Davies, Son, Campbell, & Moores, 17, Warwick-street, W.

**\* Poole**—Charles Augustus Lewin, Esq., Poole.  
*Undersk.*, William Parr, Esq., Poole.  
*Depe.*, William Mardon, 90, Newgate-street, E. C.

**Rutlandshire**—General William Fludger, Uppingham.  
*Undersk.*, Benjamin Adam, Esq., Oakham.  
*Depe.*, Bell, Brodrick, & Bell, Bow-churchyard, E. C.

**Shropshire**—George Pritchard, Esq., Broseley, Shropshire.  
*Undersk.*, { G. Potts, Esq., Broseley, Shropshire.  
 J. J. Peele, Esq., Shrewsbury, A. U.  
*Depe.*, Harvey Bowen Jones, 22, Austin-frere, E. C.

**Somersetshire**—Francis Wheat Newton, Esq., Barton Grange.  
*Undersk.*, J. Nicholletts, Esq., South Petherton.  
*Depe.*, W. & E. Dyne & Harvey, 61, Lincoln's-inn-fields, W. C.

**\* Southampton**—John Carter, Esq., Southampton.  
*Undersk.*, Wm. Hickman, Esq., Southampton.  
*Depe.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand, W. C.

**Staffordshire**—John William Phillips, Esq., Heybridge.  
*Undersk.*, Robert William Hand, Esq., Stafford.  
*Depe.*, White & Sons, 8, Bedford-row, W. C.

**Suffolk**—Edward R. S. Bence, Esq., Kentwell Hall.  
*Undersk.*, { Chester Cheston, Esq., Great Wincheston-street.  
 J. Sparks, Esq., Bury St. Edmunds, A. U.  
*Depe.*, Field & Roscoe, 36, Lincoln's-inn-fields, W. C.

**Surrey**—Samuel Gurney, Esq., Carshalton.  
*Undersk.*, W. Haydon Smallpiece, Esq., Guildford.  
*Depe.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand, W. C.

**Sussex**—Geo. Getty, Esq., Felbridge Park, East Grinstead.  
*Undersk.*, G. P. Clarkson, Esq., Tunbridge Wells.  
*Depe.*, Palmer, Palmer, & Bull, 24, Bedford-row, W. C.

**Warwickshire**—Richard Greaves, Esq., The Cliff, Warwick.  
*Undersk.*, Thomas Heath, Esq., Warwick.  
*Depe.*, Taylor & Co., 28, Great James-street, Bedford-row, W. C.

**Westmoreland**—W. Hopes, Esq., Brampton Crofts, Appleby.  
*Undersk.*, John Heath, Esq., Appleby.  
*Depe.*, Gray & Mounsey, 9, Staple-inn, W. C.

**Wiltshire**—C. Penruddocke, Esq., Compton Chamberlaine.  
*Undersk.*, West Awdry, Esq., Chippenham, Wilts.  
*Depe.*, Lewis, Wood, & Street, 6, Raymond-buildings, Gray's-inn, W. C.

**\* Worcester**—Joseph Firkins, Esq., Worcester.  
*Undersk.*, Robert Tomkins Rea, Esq., Worcester.  
*Depe.*, Hall & Hunt, 11, New Bowwell-court, Strand, W. C.

**Worcestershire**—James Mollinett, Esq., Abberley Hall, near Worcester.  
*Undersk.*, { Arthur Ryland, Esq., Birmingham.  
 Gillam & Sons, Worcester, A. U.  
*Depe.*, Sharpe, Jackson, & Parker, 41, Bedford-row, W. C.

**\* York**—Sir George Orby Wombell, Esq., Newburgh Park, York.  
*Undersk.*, William Gray, Esq., York.  
*Depe.*, Bell, Brodrick, & Bell, Bow-churchyard, E. C.

**Yorkshire**—Thomas Cabry, Esq., Holdgate Villa, York.  
*Undersk.*, Henry Wood, Esq., Pavement, York.  
 (No town agent to be appointed.)

# NORTH WALES.

**Anglesey**—William Bulkeley Hughes, Esq., Plas Côch.  
*Undersk.*, John Williams, Esq., Beaumaris.  
*Depe.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand, W. C.

**Carnarvonshire**—Henry McKellar, Esq., Syngunfawr.  
*Undersk.*, Edward Breece, Esq., Portmadoc.  
*Depe.*, William Lane, 4, Bedford-place, Russell-square, W. C.

**Denbighshire**—Charles John Tottenham, Esq., Plas Berwyn, Llangollen.  
*Undersk.*, { John C. Lethbridge, Esq., 25, Abingdon-street, Westminster.  
 M. Louis, Esq., Ruthin, A. U.  
*Depe.*, J. D. Finney, 6, Furnival's-inn, Holborn, W. C.

**Flintshire**—Robert Howard, Esq., Broughton Hall.  
*Undersk.*, A. T. Roberts, Esq., Mold, Flintshire.  
*Depe.*, Simpson, Roberts, & Simpson, 62, Moor-gate-street, E. C.

**Merionethshire**—David Williams, Esq., Dendraeth Castle.  
*Undersk.*, Edward Breece, Esq., Portmadoc.  
*Depe.*, M'Leod & Caan, 51, Lincoln's-inn-fields, W. C.

**Montgomeryshire**—J. Heyward Heyward, Esq., Crosswood.  
*Undersk.*, W. D. Harrison, Esq., Welchpool.  
*Depe.*, Gregory, Skirrow, & Rowcliffes, 1, Bedford-row, W. C.

# SOUTH WALES.

**Breconshire**—J. W. Fredericks, Esq., Pontneath Vaughan.  
*Undersk.*, Henry Mabery, Esq., Brecon.  
*Depe.*, Gregory, Son, & Clark, 12, Clement's-inn, W. C.

**Cardiganshire**—Pryse Loveden, Esq., Gogerddan.  
*Undersk.*, Thomas Davies, Esq., Cardigan.  
*Depe.*, Robinson & Preston, 35, Lincoln's-inn-fields, W. C.

**Carmarthen**—Arthur Henry Saunders Davies, Esq., Pantre.  
*Undersk.*, Thomas Jones, Esq., Llandovery.  
*Depe.*, Gregory, Son, & Clark, 12, Clement's-inn, W. C.

**Carmarthenshire**—Thomas Isaac, Esq., King-street, Carmarthen.  
*Undersk.*, W. T. Thomas, jun., Esq., Carmarthen.  
*Depe.*, Chilton, Burton, Yeates, & Hart, 25, Chancery-lane, W. C.

**Glamorganshire**—Edward Robert Wood, Esq., Stouthall.  
*Undersk.*, Thomas Masters Dalton, Esq., Cardiff.  
*Depe.*, Loftus & Young, 16, New-inn, Strand, W. C.

**\* Haverfordwest**—William Lewis, Esq., Pictou-place, Haverfordwest.  
*Undersk.*, William Davies, Esq., Haverfordwest.  
*Depe.*, T. H. Smith, 1, Frederick's-place, Old Jewry, E. C.

**\* Pembrokeshire**—Edward Wilson, Esq., Hean Castle.  
*Undersk.*, William Davies, Esq., Haverfordwest.  
*Depe.*, T. H. Smith, 1, Frederick's-place, Old Jewry, E. C.

\**Radnorshire*—George Greenwood, Esq., Abernant.  
Undersh., Ryan Vaughan, Esq., Bulth.  
Depts., White & Sons, 11, Bedford-row, W. C.

## RULES OF PRACTICE ON THE REVENUE SIDE OF THE COURT OF EXCHEQUER.

(Concluded from p. 126).

### FORM No. 10.

#### *Form of Recognisance of Bail on Capias.*

In the Exchequer.

Be it remembered, that A. B., of —, C. D., of —, and E. F., of —, come in their proper persons before the Hon. Sir —, Knight, one of the barons of her Majesty's Court of Exchequer at Westminster [or before G. H., a commissioner duly authorised for taking special bail in her Majesty's Court of Exchequer at Westminster], on the — day of —, in the year of our Lord 18—, and jointly and severally acknowledge themselves to be indebted to her present Majesty Queen Victoria, her heirs or successors, in the sum of — pounds.

£—.

Upon condition that if the said A. B. shall satisfy her said Majesty all the penalties [or, *if for duties*, the several sums of money] sued for upon an information [*if information not filed, say to be*] exhibited against him before the barons of this Exchequer by her said Majesty's Attorney-General for the forfeitures and offences [or, *if for duties*, recovery of the several sums of money] in the said information mentioned; or otherwise, if the said A. B. shall render himself a prisoner in the court here, then this recognisance of bail to be void, or else to be and remain in full force and virtue.

Taken and acknowledged at — }  
the day and year above written, }  
before me —.

A. B.  
C. D.  
E. F.

### FORM No. 11.

#### *Form of Recognisance of Bail in Error.*

In the Exchequer.

Be it remembered, that A. B., of —, C. D., of —, and E. F., of —, come in their proper persons before the Hon. Sir —, Knight, one of the barons of her Majesty's Court of Exchequer at Westminster [or before G. H., a commissioner duly authorised for taking special bail in her Majesty's Court of Exchequer at Westminster], on the — day of —, in the year of our Lord 18—, and jointly and severally acknowledge themselves to be indebted to her present Majesty Queen Victoria, her heirs or successors, in the sum of — pounds.

£—.

Whereas the above-named A. B. hath delivered a memorandum in writing to the Queen's Remembrancer of this court, alleging that there is error in law in the record and proceedings upon the information exhibited against him therein by her Majesty's Attorney-General. The condition, therefore, of this recognisance is such, that if the said A. B. shall prosecute the proceedings in error with effect, and shall also satisfy and pay, if the said judgment of the said court upon the said information shall be affirmed, or the proceedings in error discontinued by the said A. B., all and singular the sum or sums of money adjudged, or to be adjudged, upon the said judgment, and all costs and damages to be also awarded for the delaying of execution thereon, then this recognisance to be void, or else to be and remain in full force and virtue.

Taken and acknowledged at — }  
the day and year first above }  
written, before me, —.

A. B.  
C. D.  
E. F.

### FORM No. 12.

#### *Recognisance for Costs on Claim.*

In the Exchequer.

Be it remembered, that A. B., of —, in the county of —, (the claimant), C. D., of —, and E. F., of —, come

in their proper persons before the Hon. Sir —, Knight, one of the barons of her Majesty's Court of Exchequer at Westminster [or before G. H., a commissioner duly authorised for taking special bail in her Majesty's Court of Exchequer at Westminster], on the — day of —, in the year of our Lord 18—, and jointly and severally acknowledge themselves to be indebted to her present Majesty Queen Victoria, her heirs or successors, in the sum of one hundred pounds.

£100.

The condition of this recognisance is such, that whereas I. K., an officer of excise, hath lately seized, as forfeited to the use of her said Majesty, several parcels of —, which said — was [or were] afterwards resealed by L. M., and the property in the same is claimed by the above-named A. B., who hath entered such his claim thereto in this court. If, therefore, the said A. B., his heirs, executors, or administrators, shall pay, or cause to be paid, to the Receiver-General of Inland Revenue, all such costs as shall be occasioned by the said claim, to be taxed by her Majesty's Remembrancer of this court, in case the said —, or any part thereof, shall hereafter be adjudged forfeited, then this recognisance to be void, or else to be and remain in full force and virtue.

Taken and acknowledged at — }  
the day and year first above }  
written, before me, —.

A. B.  
C. D.  
E. F.

### FORM No. 13.

#### *Recognisance for Costs on Appeal to Privy Council.*

Be it remembered, that A. B., of —, comes in his proper person before the Hon. Sir —, Knight, one of the barons of her Majesty's Court of Exchequer at Westminster, on the — day of —, in the year of our Lord 18—, and acknowledges himself to be indebted to her present Majesty Queen Victoria, her heirs or successors, in the sum of — pounds.

£—.

The condition of this recognisance is such, that if C. D. shall stand and abide the determination of her Majesty in Council, on a certain petition of appeal to be entered and prosecuted by him from a —, of the — of —, bearing date the — day of —, and made in a certain suit, wherein — are —, and — are —; and if the said C. D. shall also pay such costs as may be awarded by the Judicial Committee of the Privy Council in case the said appeal shall be dismissed, then this recognisance to be void, or else to be and remain in full force and virtue.

Taken and acknowledged the day }  
and year first above written, }  
before me, —.

[The above condition must depend on the order made by the Privy Council.]

### FORM No. 14.

#### *Nolle Prosequi.*

In the Exchequer.

The — day of —, in the year of our Lord 18—.

Between our Sovereign Lady the Queen [or her Majesty's Attorney-General, informant],  
and

A. B., defendant.

And Sir —, Knight, her Majesty's Attorney-General, who prosecuteth for her said Majesty, saith that, for certain reasons him thereunto moving, he will not proceed any further in the premises for her said Majesty against the said A. B., touching the matters in the said [information] mentioned.

F. POLLOCK.  
SAMUEL MARTIN.  
G. BRAMWELL.  
W. F. CHANNELL.  
JAMES WILDE.

Mr. Edward Webster has prepared, for presentation to the House of Commons, a petition of a similar nature to that mentioned in his letter in our number of March 16.



THOMAS WOOD, Colchester, Essex, builder, April 9 at half-past 2, and May 9 at 1, London: Off. Ass. Edwards; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. March 23.

GEORGE NORMAN and GEORGE BENNETT NORMAN, Birmingham, brassfounders (trading under the name or firm of George Norman & Son), April 5 and 26 at 11, Birmingham: Off. Ass. Kinnear; Sols. Southall & Nelson, Birmingham.—Pet. d. March 22.

MINSHULL GEORGE PHILLIPS, Newcastle-under-Lyme, Staffordshire, mercer, April 10 and May 6 at 11, Birmingham: Off. Ass. Whitmore; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. d. March 21.

WILLIAM STROUD PARTTRIGE, Birmingham, surgeon, April 10 and May 6 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, and Mason, Birmingham.—Pet. d. March 25.

RICHARD FIELD the elder, Chastleton, Oxfordshire, and Moreton-in-the-Marsh, Gloucestershire, corn dealer, April 8 and May 6 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Co., Bristol.—Pet. f. March 25.

JONATHAN CRAVEN, Birstal, Yorkshire, stuff manufacturer, April 5 and May 3 at 11, Leeds: Off. Ass. Young; Sols. Darlington, Bradford; Bond & Barwick, Leeds.—Pet. d. and f. March 23.

JAMES BOOTH the younger, Bramley, Yorkshire, worsted manufacturer (trading under the firm of J. & J. Booth), April 5 and May 3 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. and f. March 16.

CHARLES KEDMAN JARVIS, Sheffield, Yorkshire, bookseller, April 6 and May 4 at 10, Sheffield: Off. Ass. Brewin; Sols. Broadhead, Sheffield.—Pet. d. March 20.

GEORGE PRYDE, Liverpool, ship chandler, April 5 and 26 at 11, Liverpool: Off. Ass. Turner; Sols. Woodburn & Pemberton, Liverpool.—Pet. f. March 22.

RICHARD EVANS, Tyddyn-y-Pandy, Towyn, Merionethshire, flannel manufacturer, April 5 and 26 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Co., Liverpool.—Pet. f. March 15.

JOHN MANLEY, Liverpool, baker, April 4 and 29 at 11, Liverpool: Off. Ass. Morgan; Sols. Norris & Son, Liverpool.—Pet. f. March 16.

JOHN WHITTAKER, Wrexham, Denbighshire, victualler, April 5 and 29 at 11, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool; T. B. Acton, Wrexham.—Pet. f. March 25.

BENJAMIN WILLMOTT GABRIEL, Stockport, Cheshire, cotton spinner, April 5 and May 1 at 12, Manchester: Off. Ass. Fraser; Sols. Cooper & Sons, Manchester.—Pet. f. March 21.

WILLIAM BARCLAY STEWART, Manchester, yarn and cloth agent, April 11 and May 2 at 12, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. March 19.

JAMES KING, Shawforth, near Rochdale, Lancashire, cotton manufacturer, April 19 and May 10 at 12, Manchester: Off. Ass. Hernaman; Sols. Storer, Manchester.—Pet. f. March 21.

ROBERT SNOWDON, Newcastle-upon-Tyne, carver, April 10 at 12, and May 8 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Joel, Newcastle-upon-Tyne; Hoyle, 102, Leadsall-street, London.—Pet. f. Feb. 16.

#### MEETINGS.

Edward Ansell, South-street, Manchester-square, Middlesex, draper, April 16 at 11, London, last ex.—Joseph Richardson, Victoria-road, Pimlico, Middlesex, upholsterer, April 16 at 1, London, and ac.—William George Foster, Portsmouth, corn dealer, April 12 at 1, London, and ac.—Joseph Green, Wisbeach St. Peters, Cambridgeshire, leather dealer, April 10 at half-past 2, London, and ac.—Henry Addis, William Onions, and Edmund Lloyd, Gloucester, vinegar manufacturers, April 5 at 11, Bristol, and ac. septs. of H. Addis and W. Onions.—Jacob Hunt, Stockport, Cheshire, cotton manufacturer, April 11 at 12, Manchester, and ac.; April 18 at 12, div.—John Strachan, Newcastle-upon-Tyne, common brewer, April 9 at half-past 12, Newcastle-upon-Tyne, and ac.—Joshua Hansen and James Hansen, Huddersfield, Yorkshire, woollen spinners, April 16 at 11, Leeds, and ac.—Samuel Bothwell, Dorking, Surrey,

builder, April 16 at half-past 11, London, div.—William Wilkes Baker and Henry Sendall, Old Bailey, City, manufacturing stationers, April 16 at 12, London, div.—John Hullah, St. Martin's-hall, Long-acre, and Langham-street, Portland-place, Middlesex, bookseller, April 16 at 11, London, div.—William Pickford, Fenchurch-street, City, merchant, April 16 at half-past 11, London, div.—Edward Richard Nash, College-hill, City, wine merchant, April 16 at 12, London, div.—William Elliott, Church-street, and Oxford-terrace, King's-road, Chelsea, Middlesex, builder, April 16 at half-past 11, London, div.—David Marriott, Oxford-street, Middlesex, draper, April 19 at 11, London, div.—John Harris, College-hill, Upper Thames-street, City, envelope manufacturer, April 19 at 11, London, div.—T. E. Shales, Brighton, Sussex, linendraper, April 19 at 11, London, div.—J. Colle, Thrapston and Denford, Northamptonshire, coal merchant, April 17 at half-past 11, London, div.—James Stannard, Newport, Isle of Wight, trader, April 17 at half-past 1, London, div.—Thomas Rutherford, Agnes-place, Waterloo-road, Surrey, merchant, April 18 at 11, London, div.—Wm. Read, Dorset-street, Portman-square, Middlesex, builder, April 17 at half-past 12, London, div.—D. Hollin, Leicester, shoe manufacturer, April 23 at 11, Nottingham, and ac. and div.—George Hicken, Nottingham, lace manufacturer, April 18 at 11, Nottingham, div.—Joseph Allison, Stockton-upon-Tees, Durham, corn merchant, April 18 at 12, Newcastle-upon-Tyne, first and 2nd div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

William Grove, Kingsland-road, Middlesex, licensed victualler, April 17 at half-past 1, London.—Eugene Keith, Hamilton-terrace, Queen's-road, Bayswater, Middlesex, builder, April 16 at 12, London.—Thomas Broughton Heison, Oxford, chemist, April 17 at half-past 2, London.—W. Fabian, Wallsend-wharf, Rosemary-branch-bridge, Hoxton, Middlesex, coal merchant, April 17 at half-past 12, London.—J. E. Cox, High-street, Lambeth, Surrey, dealer in stone ware, April 16 at half-past 12, London.—Wm. Sharp the younger, New Broad-street, City, underwriter, April 17 at 11, London.—George C. Moulton, Gresham-street, City, dealer in India rubber, April 18 at 12, London.—John Cooper, Berners-street, Oxford-street, Middlesex, pianoforte maker, April 18 at 11, London.—Alfred Jauncey, Forest Hill, Kent, plumber, April 19 at 11, London.—Frederick Wilkins, Gloucester-terrace, New-road, Whitechapel-road, Middlesex, egg merchant, April 16 at 12, London.—Edwin Phillips, Pontypool, Monmouthshire, shoemaker, April 16 at 11, Bristol.—J. Rogers, Merthyr Tydfil, Glamorganshire, draper, April 23 at 11, Bristol.—Handel Ashworth, Dukinfield, Cheshire, machine broker, April 24 at 12, Manchester.—Jacob Hunt, Stockport, Cheshire, cotton manufacturer, April 18 at 1, Manchester.

To be granted, unless an Appeal be duly entered.

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**WILLIAM CRAFT**, Maidstone, Kent, baker, April 11 at half-past 12, and May 10 at 11, London: Off. Ass. Cannan; Sols. Goodwin, Maidstone; Monckton & Co., 1, Raymond's-buildings, Gray's-inn.—Pet. f. March 23.

**WILLIAM JAMES DALTON**, Arundel House, Balham-hill, Surrey, builder, April 8 and May 13 at 12, London: Off. Ass. Pennell; Sols. Howard & Co., 66, Paternoster-row, London.—Pet. f. March 23.

**PHILEMON ROLFE**, High-street, Gravesend, Kent, chemist, April 8 at 11, and May 6 at 1, London: Off. Ass. Pennell; Sols. Wilkinson & Co., 4, Nicholas-lane, London.—Pet. f. March 26.

**BENJAMIN CARMAN** and **ROBERT BAILEY**, Harwich, Essex, cabinet makers, April 10 at half-past 2, and May 14 at half-past 12, London: Off. Ass. Stansfeld; Sol. Jones, Colchester, Essex.—Pet. f. March 26.

**WILLIAM PROBERT**, Worcester, hop dealer, April 11 and May 2 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hughes & Son, and Corles, Worcester; E. & H. Wright, Birmingham.—Pet. f. March 25.

**GEORGE GRIFFIN**, Walsall, Staffordshire, grocer, April 4 and 25 at 11, Birmingham (and *not* Nottingham, as previously advertised): Off. Ass. Whitmore; Sols. Duignan & Ebreworth, Walsall.—Pet. d. March 19.

**JOSEPH WILLIAM ADLINGTON**, Oldbury, Worcester-shire, ironmaster, April 11 and May 2 at 11, Birmingham: Off. Ass. Whitmore; Sols. Plunkett & Shakespear, West Bromwich; James & Knight, Birmingham.—Pet. d. March 28.

**JAMES COWTON**, Birmingham, fruiterer, April 11 and May 2 at 11, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. d. March 28.

**THOMAS RETAKEN**, late of Swansea, Glamorganshire, grocer, April 8 and May 7 at 11, Bristol: Off. Ass. Acraman; Sols. Brittan & Sons, Bristol; Fisher & Sons, 162, Aldersgate-street, London.—Pet. f. March 11.

**WILLIAM THOMAS**, Llantarnum, Monmouthshire, innkeeper, April 9 and May 7 at 11, Bristol: Off. Ass. Miller; Sols. Greenway & Bytheway, Pontypool; Bevan & Co., Bristol.—Pet. f. March 22.

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**GEORGE DRAKE**, St. Thomas the Apostle, Devonshire, glover, April 10 at 1, and May 8 at 12, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. March 28.

**WILLIAM SKINNER**, Redcar, Yorkshire, innkeeper, April 15 and May 6 at 11, Leeds: Off. Ass. Hepe; Sols. Simpson, Yarm; Cariss & Cudworth, Leeds.—Pet. f. March 28.

**ANTHONY BURTON**, Sheffield, Yorkshire, grocer, April 13 and May 4 at 10, Sheffield: Off. Ass. Brewin; Sols. Hoole & Yeomans, Sheffield.—Pet. d. and f. March 26.

**JOHN DAVIS**, Manchester, manufacturer, April 10 and 30 at 12, Manchester: Off. Ass. Pott; Sol. Pankhurst, Manchester.—Pet. f. March 25.

**CHRISTOPHER WALKER**, Manchester, smallware manufacturer, April 17 and May 1 at 12, Manchester: Off. Ass. Fraser; Sol. Marriott, Manchester.—Pet. f. March 20.

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at 1, London, last ex.—*Thomas Edge*, Great Peter-street and Vincent-square, Westminster, gas-meter manufacturer, April 9 at 12, London, last ex.—*William Goulding*, Upwell, Norfolk, grocer, April 9 at half-past 11, London, last ex.—*Solomon Lindo*, Westbourne-grove, Bayswater, Middlesex, wine merchant, April 10 at 12, London, last ex.—*Alfred Rolfe* and *John Davis*, Dorrington-street, Clerkenwell, Middlesex, timber merchants, April 12 at half-past 12, London, last ex.—*Thomas Mayo*, Chesham, Buckinghamshire, woodenware manufacturer, April 12 at 12, London, last ex.—*John Rankin Davidson*, Eden-cottage, near Carlisle, Cumberland, and *William Oughterson*, Bush or Lyne, near Longtown, builders, April 12 at half-past 11, Newcastle-upon-Tyne, last ex.—*William Popkham Davis*, Cardiff, Glamorganshire, slate merchant, April 30, Bristol, last ex.—*Thomas Lunham*, Wellington-chambers and High-street, Southwark, Surrey, and Dublin, provision merchant, April 11 at 1, London, and ac.—*Edward Russell Daunt* and *John Wilson*, Old Broad-street, City, bill brokers, April 11 at 11, London, and ac. sep. est. of *E. R. Daunt*.—*John Charles Partridge*, Langley-place, Commercial-road, Middlesex, boot manufacturer, April 11 at 11, London, and ac.—*William Henry Smith*, *Henry William Withers*, *Charles William Coen*, and *George Parson*, Creek-bridge-road, Deptford, Kent, coal merchants, April 11 at 11, London, and ac.—*Jonathan Wood*, *Charles Wood*, and *Thomas Marshall*, Brick-lane, Spitalfields, Mile-end, Tottenham, Ponders-end, and Enfield, Middlesex; Loughton, Essex; and Waltham and Chesham, Hertfordshire, coal merchants, April 11 at 1, London, and ac.—*John Rogers*, Merthyr Tydfil, Glamorganshire, draper, April 25 at 11, Bristol, and ac.—*William Gilyard* and *Samuel Brown*, Bradford, Yorkshire, machine woolcombers, April 11 at 11, Leeds, and ac.—*Henry Brown* and *Brook Hodgson*, Halifax, Yorkshire, velvet manufacturers, April 11 at 11, Leeds, and ac. sep. est. of *H. Brown*.—*James Horrocks*, Middleton-dale, Chadderton, Prestwich-cum-Oldham, Lancashire, drysalter, April 19 at 12, Manchester, and ac.; April 26 at 12, div.—*Thomas Barnes*, Farnham, Surrey, innkeeper, April 26 at 12, London, div.—*John Palmer*, Muley, near Plymouth, Devonshire, picture dealer, April 25 at half-past 12, London, div.—*Charles Pritchard*, East-place, Walcot-place, Lambeth, Surrey, plumber, April 19 at 11, London, div.—*John Wedd Martin*, Yalding, Kent, farmer, April 24 at half-past 11, London, div.—*Thomas Whitaker Pringle*, Hawley-place, Kentish-town, Middlesex, grocer, April 24 at half-past 1, London, div.—*John Rogers*, Brighton, Sussex, hotel keeper, April 22 at 12, London, div.—*Matthew Hutchinson*, Mark-lane, City, and Paragon, Blackheath, Kent, hemp dealer, April 24 at 2, London, div.—*Alfred Brooks*, Ludgate-street, City, optician, April 19 at 12, London, div.—*Thomas Sadler Reed*, Derby, silk manufacturer, April 18 at 11, Nottingham, and ac. and div.—*George Oldfield*, *Robert Oldfield*, and *John Clarke*, Lichfield, millers, April 22 at 11, Birmingham, div.—*Rodolphus Egan*, Bradford, Yorkshire, gunmaker, April 19 at 11, Leeds, div.—*John Noble*, Carlisle, Cumberland, rope maker, April 26 at 12, Newcastle-upon-Tyne, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Robert Cradock Davies* and *John Nichol Troughton*, Shoreditch, Middlesex, bankers, April 26 at 11, London.—*John Arnold* the younger, Woodbridge, Suffolk, innkeeper, April 26 at 1, London.—*John Beck Mister*, Norman's-buildings, St. Luke's, Middlesex, dyer, April 19 at half-past 1, London.—*Henry Robert Palmer*, Wellington-street, St. James's-road, Holloway, Middlesex, out of business, April 19 at half-past 12, London.—*Henry Alfred Town Fowler*, *Francis Edmund Town Fowler*, *Joseph Stubbs*, and *William Goodenough Dent*, Exeter-street, Strand, Middlesex, newspaper proprietors and printers, April 19 at 1, London.—*Stephen Dodd* and *John Charles Peeling*, Woburn, Bedfordshire, booksellers, April 23 at 12, London.—*M. L. J. Lavater*, Strand, Middlesex, India rubber manufacturer, April 23 at half-past 2, London.—*T. H. Larmuth*, Tunbridge Wells, Kent, bookseller, April 19 at half-past 12, London.—*John Routh*, Broad-street-buildings, City, merchant, April 19 at 12, London.—*Robert H. W. Drummond*, Old Ford,

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THE JURIST.

LONDON, APRIL 6, 1861.

IN our last number (ante, p. 131) we referred to the bills introduced into the House of Commons by the Solicitor-General for consolidating and amending a considerable part of our criminal law; and incidentally adverted to the circumstance that the alterations proposed to be made by some of them will have the effect of bringing before the Legislature the important questions, whether the punishments of death and of the lash ought or ought not to be retained in our jurisprudence.

The first of these has long occupied the public attention. The punishment of death has not only been advocated and attacked on grounds of propriety and expediency, but also on theological grounds. According to one party this punishment has been established *jure divino* for murder, and perhaps for some other offences; while others contend that if there be a *jus divinum* in the matter, it is the other way, and that this mode of punishment is prohibited by the Christian religion. We have no desire to discuss the question at present, for it appears to us that, in the existing state of things, it cannot be fairly raised. It must be conceded by all, except those who are thoroughly fanatical on the side of total abolition, that the punishment of death for great crimes cannot be taken away, unless some very severe and effective secondary punishment is substituted in

its room; and we fearlessly assert, that at the present moment no such secondary punishment exists among us. The only things that could be substituted for capital punishment are solitary confinement, transportation, and penal servitude, either for life or some very protracted period. The first of these has been long rejected, perhaps unwisely, by the Legislature. The second has been almost entirely abolished, and a committee of the House of Commons is now sitting on the question; but should transportation be restored, it would be a most weak and miserable substitute, unless the punishment is carried out in a very different manner from what it was formerly. We must, therefore, direct our attention to penal servitude, which, indeed, is the substitute usually advocated by those who argue for the abolition of the death penalty.

Now, our readers are doubtless aware that a large number of convicts condemned to penal servitude are collected together at Chatham, and employed on the public works there; and that several very determined mutinies have recently taken place among them, which were suppressed with some difficulty, and not without the employment of a large military force. It has, indeed, been suggested, that for these mutinies the keepers of those persons may be in some degree responsible; but be this as it may, the disclosures that have been recently made give us a glimpse of convict life, which shews it scandalously insufficient as a punishment for serious crimes, and, as applied to murder, perfectly absurd.

Not only has the dietary of these convicts been published, which is wholly inconsistent with that of persons undergoing severe punishment, but we find in

a contemporary paper the following description of the system followed:—

"The plan of prisoners' gratuities; to which attention is just now being directed, is as follows:—Each convict's period of servitude is divided into certain stages—those convicted under the Penal Servitude Act of 1853 into four, and those under the act of 1857 into three. Under the act of 1853 each convict is awarded during the second stage 6*d.* per week, during the third 9*d.*, and during the fourth 1*s.* By the Penal Servitude Act of 1857 each convict is granted a remission of sentence proportionate to his time, and consequently they receive the smaller gratuities of 4*d.* and 8*d.* per week respectively during the second and third stages of their imprisonment. They also receive, on account of good conduct, 6*d.* for the first class, and 4*d.* for the second class, but nothing for the third class, to which any convict can be degraded for six months for misconduct, this punishment carrying with it, too, the loss of all other gratuities. In addition to allowances each convict receives 9*d.* per week for very good conduct, and 6*d.* for good conduct during the time they are employed on the public works. It will be seen that each convict may be in receipt of a rather considerable sum of money at the expiration of his sentence, many of them being handed as much as 20*l.* on their leaving the prison. During the year 1860, 676 convicts were discharged from the Chatham establishment on the completion of their sentences, and the gratuities awarded them amounted to 7281*l.* 7*s.* 9*d.*, being an average of 10*l.* 15*s.* 5*d.* per man, besides an entire new suit of clothes, with change of flannels, linen, and stockings, and their travelling expenses paid to their destinations. From the above figures it will readily be seen what extraordinary advantages are held out to the convicts to conduct themselves with propriety during their period of penal servitude; but notwithstanding this, the participators in the recent outbreak chose to risk the forfeiture of the whole."

The policy of frequently remitting a portion of the sentences of convicts is questionable enough, even when done by the authorities in the exercise of a discretion reserved for peculiar and exceptional cases. But among us at present the application of the prerogative of mercy is systematised by a code of laws enacted for convicts. The consequence is, that every convict learns, on entering upon his punishment, not only the precise amount of remission to which he will be entitled after a defined period of virtuous or hypocritical conduct, but the fact that on certain specified conditions he may obtain even rewards and gratuities from his gaolers. Can that be a sound principle of legislation which, while professedly leaving to the tribunal by which he is condemned to apportion the quantum of punishment of each offender, creates an imperium in imperio, whereby that punishment is afterwards systematically altered by other persons? Take an instance. The judge who has heard the charge against a criminal, and the evidence on which he was convicted by the jury, considers ten years' penal servitude the proper punishment for his offence, and passes sentence accordingly; and the sentence is so understood by the bystanders and the public. Not so by

the condemned man—at least, if he belongs to a criminal class. He knows better—he is perfectly aware that he is not about to undergo anything like the punishment prescribed by the sentence—that a large portion of it will be remitted by persons who have not heard the particulars of his crime; that for further indulgence he has only to trust to his own powers of hypocrisy, and may even leave the prison where he is confined with valuable knowledge acquired in it, and a sum of money in his pocket.

Mr. Edward Webster, in a paper recently read before the Law Amendment Society advocating the total abolition of the punishment of death, suggests, as a substitute, perpetual imprisonment of the criminal for life, with solitary confinement at stated intervals, and occasional association with criminals of the same class with himself; the being compelled to learn some art, if not previously acquainted with one, in order to earn money to pay for his maintenance; and that the sentence should be irreversible except by act of Parliament. Whether this remedy would prove a cure or an aggravation of the disease we do not undertake to say, and merely refer to it to shew that one of the most determined advocates of the abolition of capital punishment (for the learned gentleman has put forward the same views in other places), has found himself compelled to admit the danger of making the change, in the present state of our secondary punishments. Another total abolitionist, the late Mr. Charles Phillips, proposed as the substitute solitary confinement for life, with dissection after death.

Now, whatever may be said respecting the punishment of death, it is at least free from absurdities and mischiefs, such as those above described. Once inflicted, there is *no ticket-of-leave system* to impede the course of justice, and turn dangerous and hypocritical criminals loose upon society. It has also a prescription in its favour nearly as old as the human race, so that the onus clearly lies on those who urge its abolition to bring the most irrefragable proofs of the soundness of their views. The general question, should the death penalty be abolished or not, is a perfectly fair one to be entertained by the Legislature; but the experiment of its abolition, in the present ineffective, absurd, and fantastic state of our secondary punishments, is, indeed, a risk fearful to contemplate.

With respect to the punishment of the lash, we beg to refer our readers to the returns from the various gaols on this subject given in a former volume (6 Jur., N. S., part 2, p. 294); which disclose the enormous difference in this mode of punishment as administered in different gaols—the discrepancies in the number of lashes, and in the instruments of correction; for, the law having made no provision on these subjects, in some gaols the cat is used, in others merely a birch rod. The obvious remedy is to define, or at least fix with something like precision, the number of lashes that may be administered for each offence, and, if possible, to determine the instrument of correction; but, at all events, either legalise or prohibit the use of the cat. The infliction of such a punishment, at the discretion or caprice of gaolers and officials (except, perhaps, for resistance to prison discipline), is an abuse utterly insufferable.

We cannot conclude without repeating the hope expressed in our last number, that whatever views on these subjects may be adopted by the Legislature, there will be no *hasty* legislation upon them, or any of the other important ones involved in the bills of the Solicitor-General. Delay of reform for a year, though an evil in itself, would be a very small one in comparison.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—Having occasion lately to consider the propriety of making use of the provisions of the Trustees and Mortgagees Act, 23 & 24 Vict. c. 145, in framing a will of real and personal property of small value, where the testator desired that all his property should be at once converted, it occurred to me to doubt whether the words of the 1st section of the act were such as to extend the act to the case of a *trust* for sale and conversion, as distinguishable from a *power* of sale. The wording of the act seems to presuppose a settlement of the property in specie, with a superadded power of sale; for instance, the instrument must be a "will, deed, or other instrument of settlement." Then we have the term "power of sale," and then the power is to be one "over any hereditaments named or referred to in, or from time to time subject to the uses or trusts of, such will, deed, or other instrument of settlement."

Can you, Sir, or any of your readers, resolve this doubt, and assure a testator, who relies upon the provisions of the act in such a case, that the Legislature intended the act to apply to an immediate trust for sale and conversion, and has expressed such intention in language clear beyond the possibility of question?

I am, Sir, your obedient servant,

X. Y. Z.

[It would certainly be a curious result of legislative wisdom if the trustees of a conveyance in trust for sale for the benefit of creditors took, under Lord Cranworth's Act, a power of exchange; and we do not pretend to anticipate the decision of the Court on the question; but the moral of this and fifty other doubts on the act is, that it is a snare and a nuisance, and that every will and every deed creating a trust of real estate, and every mortgage of real estate, ought to contain a declaration excluding its operation. We have lately seen a mortgage of an interest in stock and policies of insurance from which the ordinary powers to sell have been omitted, on the supposition that they would be supplied by this act.]

### AUDIENCE OF SOLICITORS IN THE COURT OF BANKRUPTCY.

WE have received a circular from Mr. W. Ford (of the firm of Rogerson & Ford) complaining that the Attorney-General's proposed repeal of the provision in the Bankrupt-law Consolidation Act, 1849 (sect. 247), under which solicitors have the privilege of being heard as advocates in the Court of Bankruptcy, will have the effect of excluding solicitors from audience in many cases now open to them, although the Attorney-General has distinctly stated that he had no intention of depriving solicitors of any privileges which they at present enjoy in courts of bankruptcy.

### Reviews.

*A Handy Book for the Common-law Judges' Chambers.*  
By GEO. H. PARKINSON, Chamber Clerk to the Hon. Mr. Justice Byles. [Butterworths, 1861.]

IN his Preface, Mr. Parkinson explains that the design of his work is to give to those not in possession of the large and expensive works upon the general practice of the courts, &c. plain and simple instructions respecting the documents upon which the more important chamber applications are grounded, and the method observed in obtaining the required order or fiat of the judge. Hence it will be seen that he does not profess to deal with *all* the applications made to judges at chambers; for instance, he has wholly omitted the subject of the amendment of legal proceedings, and of habeas corpus ad subjiciendum. His work, therefore, must not be looked upon as a systematic treatise on the practice at chambers, but simply as, what it professes to be, "a Handy Book" on the subject. For this task Mr. Parkinson is eminently qualified; filling, as he does, the position of chamber clerk to Mr. Justice Byles, and, we believe, having been for many years clerk to Lord Wensleydale when Baron Parke.

The contents of the book are as follows:—After a table of the fees taken at judges' chambers, and an introduction explanatory of chamber jurisdiction in general, with the attendance at chambers of the judges and their clerks, the body of the work is divided into three heads:—

1. Ex parte applications without affidavit.
2. Ex parte applications upon affidavit.
3. Applications upon summons, with or without affidavit.

Then follows an Appendix, consisting of sixty of the principal forms of proceedings used at chambers.

We give the following as illustrative of the practical character of this work:—"It is by no means unusual for a summons to be taken out *in blank*, the general nature of the proposed filling up being previously made known to the clerk issuing the same, in whose discretion it remains to fill up the summons himself (which, however, he is bound to do if the applicant desires it), to issue the same in blank, or to decline to issue the document at all. The idea is very common, but altogether erroneous, that a summons can be taken out for *any purpose whatever*; the true test of its propriety is, whether an order can, in the event of an affidavit of service and non-attendance being presented, be drawn up upon it. If it cannot, the summons ought not to issue; although it does not necessarily follow, that upon every summons not attended by the opposite party an order will be drawn up without an affidavit of merits." (Pp. 119, 120).

Again: "With reference to *consents* granted by the parties themselves or their attorneys, there are certain cases in which the bare consent of the opposite party to an order being drawn up is sufficient for the issuing of such order; there are others in which an affidavit verifying the consent is required; while in a third class of cases, in addition to such consent and affidavit, the judge's fiat is deemed necessary before the order is issued.

"It is almost impossible to place under one or other of these three heads *all* the applications coming to the judge's chambers; and where a consent has been given, and there is a doubt whether or not anything further is necessary in order to obtain an order, it is best to apply for information to a judge's chamber clerk." (Pp. 124, 125).

There is a passage in this book which must not pass without observation. In p. 5 Mr. Parkinson says, "It



must also be observed that, sitting at chambers, the judge uses an *equitable* authority in deciding the matters brought before him, and allows himself a latitude in departing at times from rule and precedent, which, although almost unknown in the common-law courts, is of the greatest advantage in facilitating the determination of the real matters in dispute between the parties." If, by this, Mr. Parkinson means that there are various matters in which the Legislature has invested the courts and judges at chambers with large discretionary powers, in consequence of which numerous old rules and precedents must now necessarily be disregarded—well; but if his meaning is, that judges are in the habit of disregarding at chambers rules and precedents by which they would feel themselves bound when sitting in court, we will not contradict him, for Mr. Parkinson's experience in the practice at chambers immeasurably exceeds ours; but will merely express our conviction that such a practice is an unwarrantable usurpation of jurisdiction, and our hope that it will not long escape the notice of the Legislature.

*A Handy Book for Executors and Administrators.* By THOMAS SIRRELL PRITCHARD, M.A., of the Inner Temple, Barrister-at-Law. [Amer, 1861.]

THIS is another Handy Book, the nature and design of which are thus explicitly stated in the Preface:—

"Almost all persons are, at some period of their lives, called upon to undertake the office of an executor or administrator. The object of this Handy Book is accordingly to give, in a convenient and cheap form, a general view of the legal position of one who has entered upon the duties of that office. . . . The principle which has guided the author in selecting the various points of information has been to point out the broad and direct road which an executor or administrator may safely pursue, contenting himself with a warning against the quagmires and unsafe places, rather than investigating them. Where such places are approached the reader is always advised to go to his solicitor or attorney, and henceforth trust for guidance to him. . . . The chapters on the Probate, Legacy, and Succession Duty Acts will, it is hoped, be of good service both to professional and non-professional readers; but it has been thought inconsistent with a work of the present character to give any 'Forms.'"

We regret the absence of a table of contents, although this defect is in some degree compensated by a tolerably good index.

**THE LAW LIST.**—The Law List for 1861 has just been published by Messrs. V. & R. Stevens & Sons. It is compiled by William Wilks Dalbiac, of the Inland Revenue Office, Somerset House, Registrar of Certificates, and published by the authority of the Commissioners of Inland Revenue. The Law List for this year, being the first that has appeared since the important provisions of the 23 & 24 Vict. c. 127, s. 22, contains the *dates of the admissions of attorneys*, as well as the other usual matters.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—A meeting of this society took place on Monday, the 25th March; F. Macqueen, Esq., Q. C., in the chair; when a paper was read by Dr. Waddilove on the present state of the law of divorce.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed George Kirby, Gent., of Bicester, Oxfordshire, to be a Commissioner to administer oaths in the High Court of Chancery in England.

## PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Trinity Educational Term, by the several Readers appointed by the Inns of Court.*

### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Reader will pursue the History of our Constitution from the Accession of Elizabeth to the Accession of George III. He will trace the progress and varieties of judicial opinion, as it affected the interpretation of Law—the Law of Real Property, the Law of Evidence, the Law of Libel, the Criminal Law, and the Doctrines of Equity; and he will point out the changes and growth of the Statute Law during the same period.

In his Private Classes he will continue to explain the History of our Constitution, and to point out its gradual progress during the Reigns of the Tudors and Stuarts.

The books to which he will refer are—Blackstone's Commentaries, by Kerr—Reeves's History of the English Law—Millar's History—Lord Brougham's Political Philosophy, vol. 3—Plowden's Reports—Hallam's Constitutional History—Rapin's History of the Period—Appendices to Hume's History—State Trials of the Period—Butler's Notes to Coke Littleton—Statute Book of the Period—Fortescue (Amos)—Parliamentary History—Hayes's History of Conveyancing—Clarendon's Life and History—May's History—Starkie's Law of Libel—Greenleaf on Evidence—Ralph's History and Memoirs—Coke's Institutes—Foster's Crown Law—Camden's Annals—Brodie's History—Memoirs of Strype, Ludlow, Hutchinson, Whitelocke, and Burnet—Bacon's Tracts.

### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Ten Lectures on the following subjects:—

1. The Jurisdiction of the Court of Chancery in Matters of Account.
2. On Equitable Set-off and the Appropriation of Payments.
3. The Law of Partnership, as modified by Courts of Equity.
4. On the Relief afforded in Cases of Mistake and Accident.
5. On Relief against Fraud.

The Reader will continue with his Senior and Junior Classes the general Courses of Equity already commenced. He will also continue in both Classes to explain the leading Rules of Pleading in Equity, from the work of Lord Redesdale.

### THE LAW OF REAL PROPERTY.

The Reader on the Law of Real Property proposes to deliver, in the ensuing Educational Term, a series of Ten Public Lectures on the following subjects:—

1. The Law of Domicil.
2. Fixtures.
3. Life Assurance.
4. Conditions of Sale.

In his Private Classes the Reader on the Law of Real Property will refer more particularly to the Cases cited in the Public Lectures. He will also continue his course of Real Property Law, using the work of Mr. Joshua Williams as a text-book.

### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the course of the ensuing Educational

Term, to deliver Ten Public Lectures on the following subjects:—

1. The Rights of Married Women over Property under Roman Jurisprudence, and Systems of Law derived from it.
2. Ownership and Prescription under Roman Law.
3. The Roman Theory of Obligation, and the Roman Law of Contract and Delict.

The Reader will endeavour, during the term, to go through a complete course of the Modern Civil Law with his Private Class, noting particularly its influence on the French Civil Code, and on other Systems of Modern Continental Law. He will use as the text-book the *Systema Juris Romani Hodiè Usitati* of Mackeldey. On certain days the Reader proposes to take the Titles of the Digest, *De Verborum Significatione* and *De Regulis Juris*.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, Ten Public Lectures, as under:—

Prior to the Recess the Reader will lecture on the Law of Torts, contrasting Tort with Contract; inquiring as to—

1. The Nature of a Right of Action ex Delicto.
2. Duties, the Breach of which may be Actionable.
3. Actions appropriate to Specific Injuries.
4. The Grounds of Defence available in such Actions.

After the Recess the Reader proposes to lecture upon Criminal Law, including—

1. The various Modes of Criminal and Quasi-Criminal Procedure.
2. Proceedings before Justices of the Peace.
3. Offences of Ordinary Occurrence, whether triable at the Assizes or at Sessions.
4. The Remedy by Habeas Corpus, in connexion with which some important recent Cases will be reviewed.

With his Private Class the Reader will, so far as time may allow, pursue in detail the course of instruction above generally indicated, using as text-books Broom's Commentaries (2nd edition), Blackstone's or Stephen's Commentaries on the Laws of England, Archbold's Criminal Pleading (by Welsby), and Paley on Convictions.

By order of the Council,

(Signed) RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's-inn,  
March 26, 1861.

Middlesex, contractor, April 19 at 1, London.—*Benjamin T. Goslin*, Beaufort-buildings, Strand, and Hanover-cottages, Regent's-park, wine merchant, April 23 at half-past 2, London.—*Wm. H. Davis*, Manor Farm, Ash, Surrey, farmer, April 22 at 1, London.—*Charles Thomas Board*, Worship-street, Finsbury, Middlesex, bedding manufacturer, April 24 at half-past 1, London.—*Robert Smith*, Harwood-place, Hampstead-road, Middlesex, builder, April 24 at half-past 12, London.—*Thomas George Tomkins*, Strand, Middlesex, bookseller, April 22 at half-past 12, London.—*Morgan Wm. David*, Aberaman, Glamorganshire, draper, April 30 at 11, Bristol.—*Isaac Isaacs*, Bristol, jeweller, April 23 at 11, Bristol.—*John Noble*, Carlisle, Cumberland, ropemaker, April 25 at 12, Newcastle-upon-Tyne.—*Joseph Radcliffe*, Debcross, Saddleworth, Yorkshire, butcher, April 24 at 12, Manchester.—*Edmond Flower*, Liverpool, silversmith, April 19 at 11, Liverpool.—*Samuel Wm. Lavender*, Liverpool, merchant, April 19 at 11, Liverpool.—*Wm. Fowler* and *Thomas Sanderson*, Liverpool, shipbrokers, April 19 at 11, Liverpool.—*Herbert Dutton* and *Edmund Dutton*, Kidderminster, Worcestershire, builders, April 23 at 11, Birmingham.—*Wm. Rose*, Birmingham, ropemaker, April 22 at 11, Birmingham.—*Robert Laing*, Forest Farm, near Scorton, Yorkshire, farmer, May 27 at 11, Leeds.

To be granted, unless an Appeal be duly entered.

*Thomas Robert Lewis*, Gould-square, Crutched-friars, City, merchant.—*John James Tyler*, Oxford, upholsterer.—*James Owen*, Westminster-bridge-road, Surrey, grocer.—*William Brent*, Blue Anchor-road, and Wilbourn-terrace, Grange-road, Bermondsey, Surrey, tanner.—*H. Saunders*, Brighton, Sussex, cabinet maker.—*Thomas Jones*, Northampton, victualler.—*J. M. F. Jaquemot*, New Broad-street, City, silk merchant.—*Charles S. Gilman*, Redcross-street, Barbican, City; Hackney-road-crescent, Hackney-road, Middlesex; and Norwich, shoe factor.—*John Henry Raw*, Ware, Hertfordshire, clothier.—*Noah Miller*, Sidmouth, Devonshire, builder.—*J. Laffare*, Plymouth, Devonshire, chemist.—*George Wilkinson*, Durham, grocer.

#### PARTNERSHIPS DISSOLVED.

*Henry Edwards* and *Benjamin Charles Godwin*, Winchester, Southampton, attorneys and solicitors.—*John Nesbitt Malleon* and *James Weyman Wadeson*, Austin-friars, London, heretofore of Romford, Essex, solicitors and attorneys, (under the style or firm of Wadeson & Malleon).

#### SCOTCH SEQUESTRATIONS.

*George H. B. Brock*, Muiravonside, Stirlingshire, miller.—*Henry Antlett*, Dundee, wine merchant.—*Wm. Davidson*, Leith, grocer.—*Charles M'Laren*, Glasgow, zinc merchant.—*James Penny*, Dundee, grocer.—*James Mullin*, Glasgow, auctioneer.—*James Tait*, Edinburgh, plasterer.

#### TUESDAY, April 2.

##### BANKRUPTS.

JACOB ISENBERG and DANIEL MYERS, Skinner-st., Snow-hill, City, boot and shoe warehousemen (trading under the firm of Jacob Isenberg & Co.), April 12 at 2, and May 15 at 12, London: Off. Ass. Pennell; Sol. Howard, 9, Quality-court, Chancery-lane, London.—Pet. f. March 28.

WILLIAM FREEMAN, Belper, Derbyshire, builder, April 18 and May 9 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Gamble & Leech, Derby.—Pet. d. March 28.

JOHN EDWARDS, Cwm Yniscy, near Pontypool, Monmouthshire, draper, April 16 and May 14 at 11, Bristol: Off. Ass. Acraman; Sol. Bevan & Co., Bristol.—Pet. f. March 21.

JAMES BENJAMIN COPLAND, Manchester, wine merchant, April 17 and May 15 at 12, Manchester: Off. Ass. Pott; Sol. Rowley & Son, Manchester; Sharp, 92, Gresham House, Old Broad-street, London.—Pet. f. March 12.

JAMES ROGERSON, East Hartlepool, Durham, linen-draper, (trading under the style or firm of James Rogerson & Co.), April 18 at 1, and May 15 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Forster, Newcastle-upon-Tyne.—Pet. f. March 28.

CHARLES KITCHEN ASHLEY, Sheffield, Yorkshire, common brewer, April 13 and May 18 at 10, Sheffield: Off. Ass. Brewin; Sol. Webster, Sheffield.—Pet. d. March 30.

##### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

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ROBERT SCOTT and WILLIAM THOMAS SCOTT, Southampton, tailors (trading under the style or firm of Scott, Brothers), April 19 at half-past 1, and May 17 at 1, London: Off. Ass. Whitmore; Sols. Lomer, Southampton; Stocken, 61, Cornhill, London.—Pet. f. March 30.

THOMAS DAWES CARTER, Blue Anchor-yard, Coleman-street, City, livery-stable keeper, April 19 at 12, and May 17 at half-past 1, London: Off. Ass. Whitmore; Sol. Sheppard, 38, Moorgate-street.—Pet. f. Jan. 29.

CHARLES ORMOND, Hemington, Northamptonshire, corn thrasher, April 17 at half-past 1, and May 15 at 12, London: Off. Ass. Graham; Sol. Deacon, Peterborough, and 14, King-street, Finsbury-square, London.—Pet. f. April 3.

WILLIAM HURST RHODES, Milton-next-Gravesend, Kent, licensed victualler, April 15 at 11, and May 15 at 1, London: Off. Ass. Pennell; Sol. Brutton, 27, Basinghall-street, London.—Pet. f. April 4.

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TERENCE FITZPATRICK, Newark-upon-Trent, Nottinghamshire, and BERNARD FITZPATRICK, Nottingham, travelling drapers, April 18 and May 9 at half-past 11, London: Off. Ass. Harris; Sols. Cowley & Everall, Nottingham.—Pet. d. April 1.

ROBERT WHITE, JAMES WHITE, and WILLIAM WHITE, Nottingham, lace manufacturers (trading under the firm of White, Brothers), April 23 and May 21 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. d. March 26.

WILLIAM MOSS, Macclesfield, boot and shoe manufacturer, April 18 and May 16 at 12, Manchester: Off. Ass. Pott; Sols. Parrott & Co., Macclesfield.—Pet. f. April 3.

## MEETINGS.

*Elias Mansfield*, Chesterton, Cambridgeshire, timber dealer, May 9 at 11, London, last ex.—*Benjamin Humphrey Nichols*, Wilbarston, Northamptonshire, innkeeper, April 30 at half-past 11, London, last ex.—*F. Dimsdale*, King's Arms-yard, Coleman-street, City, dealer in iron, April 17 at half-past 2, London, last ex.—*Alfred Sheen* and *Archibald Freeman*, Old Broad-street, City, timber brokers, April 17 at half-past 2, London, last ex.—*Daniel William Butchart*, Wardour-street, Soho, Middlesex, leather seller, April 18 at 1, London, and. ac.—*Mark Hayes* the younger, Staines-road, Hounslow, Middlesex, tea dealer, April 25 at half-past 11, London, and. ac.—*John Alcock*, Fuller-street, Bethnal-green, Middlesex, printers' joiner, April 25 at 11, London, and. ac.—*John Rogers*, Brighton, Sussex, hotel keeper, April 18 at 11, London, and. ac.—*Alfred Jauncey*, Forest-hill, Kent, plumber, April 19 at 11, London, and. ac.—*R. H. W. Drummond*, Old Ford, Bow, Middlesex, contractor, April 19 at 1, London, and. ac.—*Thos. Hemingsley*, Willenhall, Staffordshire, cut-nail manufacturer, April 22 at 11, Birmingham, and. ac.—*Robert Newton*, Birmingham, baker, April 22 at 11, Birmingham, and. ac.—*James Smith*, New Lenton, Nottinghamshire, lace manufacturer, April 18 at 11, Nottingham, and. ac.—*John Ebenezer Neal*, Leicester, glove manufacturer, April 23 at 11, Nottingham, and. ac.—*R. Egan*, Bradford, Yorkshire, gunmaker, April 18 at 11, Leeds, and. ac.—*John Johnson* and *Charles Suchling Gilman*, Redcross-street, Barbican, City; Hackney-road-crescent, Hackney-road, Middlesex; and Norwich, boot manufacturers, April 26 at half-past 12, London, div.—*Wm. Cook*, King-street, Regent-street, Middlesex, coachbuilder, April 26 at

12, London, div.—*Charles Bray*, Alfred-terrace, Queen's-road, Bayswater, Middlesex, ironmonger, April 30 at 12, London, div.—*William Robert Baxter* and *Frederick G. Baxter*, Birmingham, curriers, April 29 at 11, Birmingham, div.—*John Kippax*, East Retford, Nottinghamshire, watchmaker, April 27 at 10, Sheffield, div.—*John Heald* the elder and *John Heald* the younger, Eckington, Derbyshire, shoemakers, April 27 at 10, Sheffield, div.

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*John Johnson* and *Charles S. Gilman*, Redcross-street, Barbican, City; Hackney-road-crescent, Hackney-road, Middlesex; and Norwich, boot manufacturers, April 30 at 11, London.—*Joseph Trevelthan*, Lombard-street, City, cooper, April 30 at 12, London.—*Frederick Cogman*, Norwich, tailor, April 26 at 12, London.—*Gustave Laurent*, Leicester-square, Middlesex, coffee-house keeper, April 26 at 1, London.—*G. T. Marns*, Arbour-place, Fairfields, Stepney, Middlesex, ropemaker, April 29 at 1, London.—*William M'Haffie* the younger, Austin-Mars, City, merchant, April 30 at 12, London.—*W. Hutchins*, Neath, Glamorganshire, butcher, April 30 at 11, Bristol.—*Enoch Haley*, *Wm. Hargreaves*, *Joseph Owen*, and *James Perkin*, Bradford, Yorkshire, wrought iron manufacturers, April 26 at 11, Leeds.—*Peter Whitelegg*, Leeds, Yorkshire, grocer, April 26 at 11, Leeds.—*Joseph Harland* and *Richard Read*, Leeds, Yorkshire, cloth merchants, April 26 at 11, Leeds.—*Benjamin Robinson*, Huddersfield, Yorkshire, cloth merchant, April 26 at 11, Leeds.—*John Kippax*, East Retford, Nottinghamshire, watchmaker, April 27 at 10, Sheffield.

*To be granted, unless an Appeal be duly entered.*

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## TUESDAY, April 9.

## BANKRUPTS.

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WILLIAM PALMER POAD, Portsmouth, Southampton, draper, April 19 at half-past 11, and May 17 at 12, London: Off. Ass. Cannan; Sol. Mardon, 99, Newgate-street.—Pet. f. April 5.

FRANCIS DE YRIGOYTI, Muscovy-court, Tower-hill, City, wine merchant, April 19 and May 17 at 2, London: Off. Ass. Whitmore; Sol. Abrahams, 17, Gresham-street.—Pet. f. April 8.

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JOHN BRISTOW, Stourbridge, Worcestershire, licensed victualler, April 22 and May 13 at 11, Birmingham: Off. Ass. Kinnear; Sols. Duignan & Ebeworth, Walsall.—Pet. d. April 3.

JOSEPH BURROWS, Chesterfield, Derbyshire, cabinet maker, April 20 and May 18 at 10, Sheffield: Off. Ass. Brewin; Sols. Cutts, Chesterfield; Smith & Burdekin, Sheffield.—Pet. d. and f. March 30.

JAMES MARK MARTIN, Chesterfield, Derbyshire, ironmonger, April 20 and May 18 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdekin, Sheffield.—Pet. d. and f. April 2.

CHARLES MARSHALL, Sheffield, Yorkshire, saw manufacturer, April 20 and May 18 at 10, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Pet. d. and f. April 4.

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<i>The Ecclesiastical Commissioners for England and Courtney v. The Vestry of Clerkenwell.</i> —(Erec-	
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THE JURIST.

LONDON, APRIL 13, 1861.

COURTS of equity, by what a learned judge has termed a violation of the laws of property between husband and wife (4 My. & C. 405), having long since established the rule that a married woman may have separate estate, it thereupon became necessary for courts of equity also to determine in what manner the separate estate, which is the mere creature of equity, can, independently of law, be affected by the acts or engagements of married women entitled to it.

It has been clearly settled, by a long series of decisions, that a married woman, acting with respect to her separate property, is competent to act in all respects as a feme sole. With regard to personal estate settled to her separate use, even although no express power of disposition may be given to her, she may dispose of it either by act inter vivos or by will; and with regard to real estate settled to her separate use, although a feme covert can only dispose of the fee by deed acknowledged so as to bind her heir, she can deal with her life interest in the same manner as if she were a feme sole.

Moreover, the cases have decided, that not only where a married woman has acted with respect to her separate property, but even where she has entered

into general engagements in writing, which do not refer to or make mention of it, such separate estate may be rendered liable to them by means of the intervention of a court of equity. If, for instance, a married woman gives a bond, even though in conjunction with her husband, or a bill of exchange or promissory note, or enter into an agreement for the payment of sums of money, her separate estate will be liable in equity to such engagements. The principle upon which these cases formerly appear to have proceeded was this, that, as such acts would have been merely nugatory if done by a feme covert, without any reference to her separate estate, she must be intended to have designed a charge on that estate, since in no other way could such instruments as we have mentioned have any validity or operation. Doubts, however, have arisen, and do not even yet appear to have quite subsided, whether a married woman having separate estate renders it liable where she becomes indebted without executing any written instrument at all.

This subject has been a good deal discussed in the recent case of *Johnson v. Gallagher* (7 Jur., N. S., part 1, p. 273). There it appears that under a deed of separation executed between a husband of the first part, his wife of the second part, and a trustee of the third part, the husband assigned certain property to the trustee for the separate use of the wife, and the trustee entered into a covenant to indemnify the hus-

band against the wife's debts. After the date of such deed, the wife, while living apart from her husband, incurred debts for furniture supplied to her. The husband died in October, 1888, and a suit was then instituted; on behalf of the wife's creditors, to enforce their claim against what had been during the coverture her separate estate. After the institution of the suit, the widow, in exercise of a power contained in the deed of separation, executed a bill of sale, comprising the whole of what had been her separate estate, to the secretary of a loan society, for the purpose of securing a sum of money due for advances made to her by the society; and the bill was amended, making the secretary a party, and praying for a declaration that the plaintiffs were entitled to priority over the loan society. The Lords Justices, although differing from each other very materially upon the law applicable to the case, agreed nevertheless in reversing the decision of the Vice-Chancellor of the Duchy of Lancaster, and dismissed the bill, without costs. As some very important topics upon the law relating to separate estates were discussed by the learned judges, it is proposed now to notice them seriatim. There were two points in the case: first, how far a married woman renders her separate estate liable for goods sold and delivered to her, and in respect of which she has entered into no written engagement; and, secondly, whether, assuming that she has rendered her estate liable for such general engagements, she can afterwards, before a decree in equity has been obtained against the separate estate, alien it, so as to defeat the claims of her creditors under such general engagements.

With regard to the first point, the Vice-Chancellor of the Duchy of Lancaster and Sir G. J. Turner, L. J., (the latter of whom delivered a very elaborate judgment), arrived at the same, and as we think the right conclusion, viz. that the debt due for the furniture was payable out of the separate estate, although there was no written voucher for it—nothing, in effect, but the parol contract between the parties. Sir J. L. Knight Bruce, L. J., however, laid down the following proposition as law, and upon it solely appears to have founded his judgment, viz. that if a married woman, having separate property, and living apart from her husband, buys goods, for which her husband is not liable, whether the sellers, when selling, are aware or unaware that she has property settled to her separate use, they could not charge either her or it with the price or value of the goods.

Great as our respect is for the legal acumen of the learned judge, we do not think that, either upon principle or authority, his opinion can be supported. The great judge who decided *Hulme v. Tenant* (1 Bro. C. C. 15)—Lord Thurlow (and not, as Sir G. J. Turner, L. J., says, Lord Rosalyn)—did not lay down any such proposition; and Lord Brougham in *Murray v. Barlee* (3 My. & K. 220), Lord Cottenham in *Owens v. Dickenson* (1 Cr. & Ph. 53), and Sir R. T. Kindersley, V. C., in *Vaughan v. Vanderstegen* (2 Drew. 183), certainly differ from the law as laid down by Sir J. L. Knight Bruce, L. J. The notion that prevailed at one time, that any instrument executed by a married woman, such as

a bond, bill of exchange, or promissory note, being invalid at law, operated only by way of an appointment upon her separate estate, has long since been exploded. Nor does there appear to be any authority for the proposition that a married woman, having separate estate, does not render it liable for debts which she may contract, and for which her husband is not liable, although they may not be evidenced by any writing.

The questions of Lord Brougham in *Murray v. Barlee* appear to be unanswerable. "Can there," he asks, "be any reason for holding that the liability of a married woman, or, more properly, her power of affecting her separate estate, shall only be exercised by a written instrument? Are we entitled to invent a rule, to add a new chapter to the Statute of Frauds, and to require writing where that act requires none? Is there any equity, reaching written dealings with the property, which extends not also to dealings in other ways, as by sale and delivery of goods? Shall necessary supplies for her maintenance not touch the estate, and yet money furnished to squander away at play be a charge on it, if fortified by a scrap in writing? No such distinction can be taken, upon any conceivable principle."

With regard to the second point, it was unnecessary for Sir J. L. Knight Bruce, L. J., to give, and he did not give, any opinion; but we think that Sir G. J. Turner, L. J., in considering that point—viz. how far the separate estate, assuming it to be affected by the contract, was taken out of its reach by the assignment—came to a right conclusion in reversing the decision of the Vice-Chancellor of the Duchy of Lancaster; because, although the married woman, by contracting debts, thereby gives her creditors a right to proceed, and obtain what may be termed an equitable execution against her separate estate, she does not by such contracts create a lien or charge on her separate estate; such creditors, therefore, are liable to be defeated, either wholly or partially, by a bona fide alienation of the separate estate.

We very much fear, however, that the manner in which Sir G. J. Turner, L. J., has explained the principle upon which the separate estate of a married woman may be rendered liable for her contracts not evidenced by writing, may lead to many doubts and to much litigation. His Lordship thinks, "that in order to bind the separate estate by a general engagement, it should appear that the engagement was made with reference to, and upon the faith or credit of, that estate; and that whether it was so made or not is a question to be judged of by this Court upon all the circumstances of the case." In other words, the effect of a contract by a married woman on her separate estate is only to be determined by the costly experiment of a suit in Chancery, where the judges themselves at present appear by no means to have made up their minds upon the subject.

It is nevertheless true, as observed by Sir G. J. Turner, L. J., that "what might affect the separate estate, in the case of a married woman living separate from her husband, might not affect it in the case of a married woman living with her husband."

We do not see why the rule should not be plainly



laid down, that the separate estate of a married woman should in all cases be liable for her engagements, whether they are in writing, or merely by parol, except where they are entered into by her, either expressly or by implication, as agent for her husband.

Suppose, for instance, a married woman, living with her husband, orders, as in *Montague v. Benedict* (3 B. & Cr. 331), jewellery to such an amount as that she cannot be considered to have acted under any implied authority from her husband, so as to render him liable, why should not the person who supplied her with the jewellery have power to proceed against her separate estate, without entering into the question whether she contracted with reference to, or on the faith of, her separate estate or not?

Of course, the separate estate of a married woman living with her husband would not be liable for ordinary household expenditure, inasmuch as the wife, in contracting debts for such purpose, would act as agent for her husband.

So, when a married woman is living separate from her husband, we do not see why her separate estate should not be liable for all her debts, without reference to her intention in contracting them, if they be of such a nature, and contracted under such circumstances, as that her husband would not be liable for them upon the ground of either express or implied agency.

### Court Papers.

#### COMMON-LAW SITTINGS, IN AND AFTER EASTER TERM, 1861.

##### Court of Queen's Bench.

###### In Term.

MIDDLESEX.	LONDON.
1st sitting, Tuesday, April 16	1st sitting, Friday.. April 19
2nd sitting, Monday ..... 22	2nd sitting, Friday ..... 26
3rd sitting, Tuesday ..... 30	
For undefended cases only.	

###### After Term.

Thursday ..... May 9 | Monday ..... May 13

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Special juries will be tried in London at the sittings after term.

##### Court of Common Pleas.

###### In Term.

MIDDLESEX.	LONDON.
Tuesday ..... April 16	Friday ..... April 19
Monday ..... 22	Friday ..... 26

###### After Term.

Thursday ..... May 9 | Monday ..... May 13

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Exchequer of Pleas.

###### In Term.

MIDDLESEX.	LONDON.
1st sitting, Tuesday, April 16	1st sitting, Friday.. April 19
2nd sitting, Monday ..... 22	2nd sitting, Friday ..... 26
3rd sitting, Monday ..... 29	

###### After Term.

Thursday ..... May 9 | Monday ..... May 13

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex sittings are disposed of.

#### COMMON-LAW CAUSE LISTS, EASTER TERM, 1861.

##### Court of Queen's Bench.

###### NEW TRIALS.

###### FOR ARGUMENT.

*Moved Mich. Term, 1858.*  
Cornwall—Lyle v. Richards  
*Moved Easter Term, 1860.*  
Midd.—Payne v. Revans  
" Romillo v. Halahan  
" Lloyd v. Shaw  
" Stevens v. Taylor  
London—Cook v. Wright  
*Moved Trinity Term, 1860.*  
Midd.—Dixon and Wife v. Bush  
" St. Albyn and Wife v. London General Omnibus Co. (Limited)  
" Wood v. Smith  
London—Mitchell v. Hall  
*Moved Mich. Term, 1860.*  
Midd.—Saward v. Walkden  
" Mackley v. Pattenden  
London—Lane & ors. v. Tindel  
" Paterson v. Harris  
" Tamvaco v. Lucas  
" Some & ors. v. Ford  
" Lowrie v. Parker  
" Lane v. Seymour  
" Pow v. Davis  
Surrey—Moody v. London, Brighton, & South Coast Railway Co.  
York—Reg. v. Boyes (Part heard)  
Liverpool—Mayer v. Spence

Liverp.—Mayer v. Firth  
Hants—Pennell v. Logan  
Wilts—Scammell v. Glass

###### Tried during Term.

Midd.—Benchinol v. Gallagher  
London—Wood v. Bosanquet.  
*Moved Hilary Term, 1861.*  
Midd.—Reg. v. Board of Works of Strand Union  
" Lee v. Griffin  
" Prideaux v. Darby  
" Bruth v. Richards  
London—Clarke v. Smallfield  
" Blenkiran v. Great Central Gas-consumers Co. (Stand over till after trial of Morley v. Great Central Gas-consumers Co., on Sturgeon v. Same)  
" Masters v. Barnes  
" Arber v. Carrington  
Liverpool—Cusack v. Robinson  
" Firth v. Brooks  
" Robertson v. Aspinwall  
*Tried during Term.*  
Midd.—Stichell v. Ninet  
" Colburn v. Jones  
London—Homewood v. Chaplin  
" Bradwell v. Guernl.

##### SPECIAL PAPER.

Those marked thus \* are Special Cases, and those † Demurrers.

###### FOR ARGUMENT.

†Shrubb v. Eyre (To come on with special case)  
†Scott & ors. v. Pilkington  
†Munroe & ors. v. Same  
†Aubert v. Gray  
\*Cazenove & an. v. Lister  
\*Great Indian Peninsular Railway Co. v. Saunders  
†Holmes v. Pemberton  
†Lungley v. Ponsford  
Cox v. Allen (Appeal from County Court)

Cope v. Norton (Appeal from County Court)  
†Shadforth v. Cary & ors.  
\*Prior & an. v. Laming  
†Gorton v. Hall  
Smith & ors. v. Badger (Appeal from County Court)  
†Langdon v. Heath  
Garton & an. v. Bristol and Exeter Railway Co. (Award)  
†Seaward v. Rolt  
†Harris & Wife v. Conner  
†Wood & an. v. White

†Lee & an. v. Anglo-French Steam-ship Co. (Limited)	Winder v. Manchester, Sheffield, & Lincolnshire Railway Co. (Appeal from County Court)
†Smeed v. Bunn	*Candlish & an. v. Simpson
*Greenhalgh & an. v. Clayton	†Bond v. Roeling
†Bellingham v. Clark	Dormor v. Saul & an. (Appeal from County Court)
†South-eastern Railway Co. v. London, Chatham, and Dover Railway Co.	*Young & an. v. Turner
*Drake v. Amicable Society for a Perpetual Assurance Co. (Award)	*Poulton v. Redingo
*Neill v. Leatham (Case in Enlarged Paper to come on for argument with this case)	†Day v. Hemings
†Wright v. Kitchen	†Mason v. Glamorgan Canal Co.
†Davis v. Harward	†Bartley v. Hodges
†Thornwhial & an. v. London, Brighton, and South-coast Railway Co.	†Matthews & an. v. Edwards
†Davenport & an. v. Rickard	†Same v. Bloxsome
	*Turner v. Lane
	†Tweddle v. Atkinson
	†Hombion v. Epping Railway Co.

## ENLARGED RULES.

## First Day.

Betts v. Menzies (Enlarged till after the decision of the House of Lords)	Reg. v. Overseers of the Parish of Walcot
Neill v. Leatham (To come on for argument with sp. case)	Same v. Overseers of the Parish of Walcot St. Swithin.

## CROWN PAPER, EASTER TERM, 1861.

Kent .....	Reg. v. Bailiff of Romney Marsh.
Tewkesbury ....	Severn Navigation Commissioners.
Surrey .....	Reedle.
Same .....	Governors of the Licensed Victuallers Society.
Hants .....	Commissioners acting in Execution of the Acts 43 Geo. 3, c. 21, and 50 Geo. 3, c. 168.
Leeds .....	Leeds, Bradford, and Halifax Junction Railway Co.
Dover .....	Tucker v. Rees.
Cheshire .....	Reg. v. Pickford.
Warwickshire ..	Guardians, &c. of the Cambridge Union.
Chester .....	Inhab. of Ruyton, Shropshire.
Bedfordshire....	Davis v. Toller.
Birmingham....	Reg. v. Birmingham Waterworks Co.
Cheshire .....	Tunstall v. Lloyd.
Leeds .....	Reg. v. Inhabitants of Aughton.
Same .....	Francies v. Smithies.
Surrey .....	Stephenson v. Taylor.
Lancashire ....	Reg. v. Guardians of the Poor of Toxteth Park.
Yorkshire .....	Sheffield Gas-light Co.
Same .....	Firth.
Hampshire ....	Isle of Wight Ferry Co.
Same .....	Shrubh.
Cardiff .....	Wadley v. Godwin.
Kent .....	Reg. v. Overseers of Toxteth Park, Lancashire.
Metropolitan Police District ..	Anderson v. Gutteridge.
Cheshire .....	Sketch v. White.
Surrey .....	Newton v. Skates.
Yorkshire .....	Thewlis v. Kay.
Same .....	Reg. v. Undertakers of the Navigation of the Rivers Aire and Calder.
Staffordshire....	South Staffordshire Waterworks Co.
Great Yarmouth ..	Harrod.
Sussex .....	Inhabitants of Brighton.
Leeds .....	Overseers of Holbeck.
Gloucestershire..	Great Western Railway Co.
Middlesex .....	Tott.
Same .....	Ebrington.
Yorkshire .....	Inhabitants of Bramley.

Anglesey .....	Reg. v. Williams.
Yorkshire .....	Inhabitants of Lundale.
Same .....	Churchwardens of Sprocton.
Staffordshire....	Inhabitants of Leominster.
Same .....	Inhabitants of Bromwich.
Birmingham....	Inhabitants of Birmingham.
Yorkshire .....	Trustees of Sunk Island Turnpike Road & Surveyors of the Highways of Otringham.
Same .....	Same v. Surveyors of the Highways of Patrington.
Same .....	Glover v. Booth.
Oxfordshire ....	Horwood v. Powell.
Lancashire .....	Taylor v. Carr.
Warwickshire ....	Reg. v. Wheeler.
Durham .....	Robinson v. Humble.
Newcastle-upon-Tyne .....	Reg. v. Burial Board of St. John, Westgate.
Manchester ....	Onley v. Gee.
Staffordshire ....	Cureton v. Reg. (in error).
Metropolitan Police District ..	Vestry of St. Luke's v. Lewis.
Middlesex .....	Reg. v. Vestry of St. Luke's, Chelsea.
Lancashire ....	Churchwardens, &c. of St. Mary Arches, Exeter.
Devonshire .....	Leatt v. Vine.
Essex .....	Woodward v. Eastern Counties Railw. Co.
Buckinghamshire	Reg. v. Overseers of Colleshill.

## Court of Common Pleas.

## NEW TRIALS.

Moved Mich. Term, 1860.	Load.—Priestley v. M'Lean
Camb.—Hunt v. Allgood	" Barrow v. Abbott
Sussex—Hare v. Henty	" Green v. Mules
Durham—M'Sweny v. Douglas	" Walker v. Clyde
Moved Hilary Term, 1861.	Midd.—Baker v. Sollitt
Midd.—Kemp v. Neville	" Sollitt v. Baker
" Ebbon v. Same	" Cox v. Mathews
Load.—Bell v. Midland Railway Co.	Load.—Lloyd v. Piper
	" Accidental Death Insurance Co. v. Mackenzie.

## DEMURRER PAPER.

## SPECIAL ARGUMENTS.

Jones v. Taping (Sp. C.)	European & Australian Royal Mail Co. v. Royal Mail Steam-packet Co. (D.)
Cahill v. London and North-western Railway Co. (Case Nisi Prius)	Dickinson v. Stidolph (Sp. C.)
Draper v. Sperring (Ap.)	Baker v. Cartwright (D.)
Guardians of the Cambridge Poor-law Union v. Parr (Ap.)	Midland Railway Co. v. Pys (Ap.)
Wallington v. White (Ap.)	Harrop v. Fisher (Ap.)
Purnell v. Wolverhampton New Waterworks Co. (Ap.)	Kern v. Deslandes (Case Nisi Prius)
Traves v. Worms (D.)	South Wales Railway Co. v. Redmond (D.)
James v. Worms (D.)	Nash v. Armstrong (D.)
Webb v. Bird (Award)	Kimbrough v. Croakey (D.)
Richbell v. Alexander (D.)	Townsend v. Read (Ap.)

## ENLARGED RULES.

First Day.	Nutt v. Midland Railway Co.
May v. Yearaley	Walter & Ux. v. Whitaker
Sixth Day.	Fourth Day.
Baxendale v. Great Western Railway Co.	Slipper v. Back
Hutchinson v. Lang	Erwin v. Same.

## CUR. ADV. VULT.

Wilton v. Royal Mail Steam Navigation Co.	Pickard v. Smith.
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**Court of Exchequer.**

**SITTINGS—EASTER TERM, 1861.**

Days in Term.	Banc.
Monday . . . . . April 15	Motions.
Tuesday . . . . . 16	Errors and Motions.
Wednesday . . . . . 17	.....
Thursday . . . . . 18	.....
Friday . . . . . 19	.....
Saturday . . . . . 20	.....
Monday . . . . . 22	Special Paper.
Tuesday . . . . . 23	.....
Wednesday . . . . . 24	Special Paper.
Thursday . . . . . 25	.....
Friday . . . . . 26	.....
Saturday . . . . . 27	Criminal Appeals.
Monday . . . . . 29	Special Paper.
Tuesday . . . . . 30	.....
Wednesday . . . . . May 1	Special Paper.
Thursday . . . . . 2	.....
Friday . . . . . 3	.....
Saturday . . . . . 4	.....
Monday . . . . . 6	.....
Tuesday . . . . . 7	.....
Wednesday . . . . . 8	.....

Days in Term.	Nisi Prius.
Tuesday . . . . . April 16	Middlesex, first Sitting.
Friday . . . . . 19	London, first Sitting.
Monday . . . . . 22	Middlesex, second Sitting.
Friday . . . . . 26	London, second Sitting.
Monday . . . . . 29	Middlesex, third Sitting.

**NEW TRIALS.**

FOR JUDGMENT.	Midd.—Smith v. Rudhall
Chester.—Plant v. Taylor	" Giddings v. Wood
" Same v. Same	London.—May v. Smith
Liverp.—Bradleys v. Dunipace	" Durrill v. Evans
FOR ARGUMENT.	" Hoskins v. Smurthwaite
Moved Mich. Term, 1860.	" Williams v. Great Northern Railway Co.
Gudldf.—Oxenham v. Smythe	" Udell v. Atherton
Gloster.—Rogers v. Hadley	Liverp.—Colquhoun v. Bowen
Moved after the 4th day of Mich. Term, 1860.	Moved after the 4th day of Hil. Term, 1861.
Midd.—Atkinson v. Denby	Midd.—Aston v. Preston
Moved Hil. Term, 1861.	" Winkworth v. Adamson.
Midd.—British Land Co. v. Jupp	

**SPECIAL PAPER.**

FOR JUDGMENT.	London and North-western Railway Co. v. Great Western Railw. Co. (D., standing over for arrangement)
Tregelles v. Sewall (D., to stand over till after trial of issues in fact)	Fressart v. Lawrence (D., to stand over till issues in fact tried)
Oxenham v. Smythe (D., to stand over till after argument of rule in New Trial Paper)	Rogers v. Hadley (D., part heard, rule for new trial to come on with demurrer)
FOR ARGUMENT.	Waller v. Mayor of Manchester (Sp. C.)
Brewer v. Dimmack (D., part heard, standing for arrangement)	Shiel v. Mayor of Sunderland (Ap.)
Anglo-Californian Gold Mining Co. v. Lewis (D., ordered to stand over)	Same v. Same.

We have to record the decease of Thomas Flower Ellis, Esq., Attorney-General of the Duchy Court of Lancaster, and Recorder of Leeds. The learned gentleman was well known to the Profession as contributor to the reports of Adolphus & Ellis, Ellis & Blackburn, and Ellis & Ellis, and to the literary world as executor of Lord Macaulay.

**PETER HENRY WOOD**, Manchester, brewer, (lately carrying on business with William Broughton under the style of Wood & Broughton), April 23 and May 14 at 12, Manchester: Off. Ass. Hernaman; Sol. Lamb, Manchester.—Pet. f. Off. 30.

**MEETINGS.**

*Joseph Allcock* the younger, Ilford, Essex, miller, April 16 at half-past 12, London, aud. ac.—*Wm. Racster Wagstaff*, Fenchurch-street, City, wharfinger, April 23 at 1, London, aud. ac.—*John Bulford*, Hamworthy, Poole, grocer, April 23 at 2, London, aud. ac.—*Stephen Dodd* and *John Charles Peeling*, Woburn, Bedfordshire, booksellers, April 23 at 12, London, aud. ac.—*Arthur B. Harries* and *Walford Arbousin Harries*, Pembroke Dock, Pembrokeshire, timber merchants, April 25 at 11, Bristol, aud. ac. sep. est. of *Walford Arbousin Harries*.—*John R. S. Hayward*, Lodway, Somersetshire, apothecary, May 2 at 11, Bristol, aud. ac.—*William Rennie, James Johnson*, and *Wm. Rankin*, Liverpool, shipwrights, April 19 at 11, Liverpool, aud. ac. sep. est. of *Jas. Johnson*.—*John Stanton*, Liverpool, china dealer, April 19 at 11, Liverpool, aud. ac.—*George B. Porters*, Liverpool, apothecary, April 19 at 11, Liverpool, aud. ac.—*John Rowbotham* and *James Shaw*, Manchester, picture dealers, April 24 at 12, Manchester, aud. ac. joint est., and aud. ac. sep. est. of *John Rowbotham*; May 1 at 12, div. joint est.—*Peter Jameson*, Staleybridge, Lancashire, tailor, April 26 at 12, Manchester, aud. ac.—*John Rice*, Lupus-street, Belgrave-road, Pimlico, Middlesex, butcher, April 30 at 11, London, div.—*John Davis Gotch* and *Thomas Henry Gotch*, Kettering and Rowell, Northamptonshire, and Long-acre, Middlesex, bankers, April 30 at 12, London, div. joint est., and fin. div. sep. ests.—*Robert Page*, Forest of Dean, Gloucestershire, coal owner, and Dover, Kent, grocer, April 30 at 1, London, div.—*Robert Stewart*, Wells, Somersetshire, draper, May 2 at 11, Bristol, first and fin. div.—*William Weston Young, Joseph Weston Young*, and *George Young*, Neath, Glamorganshire, millers, May 2 at 11, Bristol, fin. div. sep. ests.—*William Rennie, James Johnson*, and *William Rankin*, Liverpool, shipwrights, April 29 at 11, Liverpool, div. sep. est. of *James Johnson*.

**CERTIFICATES.**

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*James Thomas Taylor*, New Church-street, Marylebone, Middlesex, grocer, May 1 at 1, London.—*Thomas Marriage* and *Walter Marriage*, Springfield, near Chelmsford, Essex, millers, May 2 at half-past 1, London.—*Benjamin Goodson* the younger, Little Coggeshall, Essex, farmer, May 1 at half-past 2, London.—*John Clark*, Maidene and Newport, Monmouthshire, licensed victualler, May 7 at 11, Bristol.—*James Harp*, Hanley, Worcestershire, innkeeper, May 3 at 11, Birmingham.—*William Dunn*, Burslem, Staffordshire, grocer, May 3 at 11, Birmingham.—*Joseph Randle*, Coventry, builder, May 3 at half-past 11, Birmingham.—*John Dutton*, Walsall, Staffordshire, grocer, May 3 at half-past 11, Birmingham.—*Godfrey Morton* and *John Williams*, Portmadoc, Carnarvonshire, builders, May 8 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

*John Jennings*, Gough-square, Fleet-street, City, printer.—*George Robinson* and *Robert Witt*, Bermondsey, Surrey, licensed victuallers.—*Archibald Hinton*, Highbury, Middlesex, victualler.—*James Cooke Webster*, Watling-street, City, and Church-passage, Blackfriars-road, Surrey, shirt dresser.—*Henry Sylvester Rogers*, Strand, and Haverstock-hill, Middlesex, importer of foreign goods.—*Robert Biles*, South-place, Upper Grange-road, Bermondsey, Surrey, and Seething-lane, Great Tower-street, City, twine manufacturer.—*David Watkins*, Shebbear, Devonshire, cattle dealer.—*John Stanton*, Liverpool, china dealer.

**PETITION ANNULLED.**

*Edward Pritchard*, Liverpool, wine merchant.

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## GAZETTES.—FRIDAY, April 12.

## BANKRUPTS.

**JOHN KING**, Shepard's-terrace, West India Dock-road, Limehouse, Middlesex, hatter, April 26 at 1, and May 23 at 2, London: Off. Ass. Bell; Sol. Solomons, Finsbury-place.—Pet. f. April 5.

**WILLIAM JAMES WEBB**, King Henry's-walk, Ball's-poud-road, mat manufacturer, April 25 and May 23 at 1, London: Off. Ass. Bell; Sol. Treherne, 17, Gresham-st.—Pet. f. April 10.

**HENRY AUSTIN**, Bermondsey-street, Bermondsey, Surrey, manufacturing chemist, April 25 at half-past 1, and May 23 at 11, London: Off. Ass. Johnson; Sol. Waller, Coleman-street.—Pet. f. April 9.

**JOHN LAKE**, Hawthorn-grove, Penge, Surrey, builder, April 25 at half-past 12, and May 24 at 11, London: Off. Ass. Cannan; Sols. Howard & Co., 66, Paternoster-row.—Pet. f. April 9.

**JOHN CALVERLEY**, Portsdown-road, Malda-vale, Middlesex, builder (lately of Bury-terrace, Westbourne-square), April 25 and May 24 at 1, London: Off. Ass. Whitmore; Sols. Bolton & Sons, 21A, Northampton-square, Clerkenwell.—Pet. f. April 9.

**HENRY NORRIS** and **WILLIAM NORRIS** the younger, Mare-street, Hackney, Middlesex, builders (trading under the firm of Norris, Brothers), April 24 at 2, and May 22 at half-past 12, London: Off. Ass. Stansfeld; Sol. Chidley, 25, Old Jewry.—Pet. f. April 9.

**JOHN JAMES CHRISTOPHER YOUNG**, Stonebridge Common, Kingsland, Middlesex, licensed victualler, April 24 at half-past 1, and May 22 at 12, London: Off. Ass. Stansfeld; Sols. Dimmock & Burbey, 2, Suffolk-lane, City.—Pet. f. April 5.

**DEMETRIUS STEPHEN PEZZALI** and **GEORGE STEPHEN PEZZALI**, Great Tower-street, City, merchants (trading under the style or firm of S. Pezzali, Sons, & Co.), April 24 at 2, and May 27 at 1, London: Off. Ass. Pennell; Sols. Marten & Co., Mincing-lane.—Pet. f. April 10.

**GEORGE FREDERICK BARRATT**, Baker's-row and Guildford-place, Bagnigge-wells-road, Clerkenwell, Middlesex, ironfounder, April 22 at half-past 2, and May 27 at 12, London: Off. Ass. Pennell; Sol. Southes, 16, Ely-place, London.—Pet. f. April 9.

**SAMUEL WEBB**, Sudbury, Suffolk, builder, April 22 and May 27 at 2, London: Off. Ass. Pennell; Sols. Gooday, Sudbury, Suffolk; Chilton & Co., 25, Chancery-lane, London.—Pet. f. April 9.

**ALFRED EDWARD WILLIAMS**, Stainsby-road, Limehouse, Middlesex, cooper, April 25 and May 28 at 12, London: Off. Ass. Edwards; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Feb. 27.

**JOSEPH JACKSON**, Brighton, Sussex, hatter, April 23 at half-past 2, and May 21 at 1, London: Off. Ass. Edwards; Sol. Treherne, 17, Gresham-street, London.—Pet. f. Dec. 4.

**JOHN WESTON**, Leek, Staffordshire, tailor, April 24 and May 13 at 11, Birmingham: Off. Ass. Kinnear; Sols. Reece, and Sackling, Birmingham.—Pet. d. April 8.

**PHILEMON ROBERTS**, Darlaston, Staffordshire, grocer, April 26 and May 17 at 11, Birmingham: Off. Ass. Kinnear; Sols. Smith, Birmingham; Sheldon, Wednesbury.—Pet. d. April 9.

**JOHN KNIGHTON**, Nottingham, licensed victualler, April 25 and May 16 at half-past 11, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Pet. d. April 9.

**SAMUEL WYNN**, Upper Tranmere, Cheshire, contractor, April 26 and May 17 at 11, Liverpool: Off. Ass. Bird; Sol. Yates, jun., Liverpool.—Pet. f. March 27.

**JOHN ROBINSON**, Liverpool, plumber, April 24 and May 13 at 11, Liverpool: Off. Ass. Morgan; Sols. Dodge & Wynne, Liverpool.—Pet. f. April 9.

**GEORGE WOODRUFF**, Hulme, Manchester, butcher, April 26 and May 15 at 12, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Pet. f. April 4.

## MEETINGS.

*George Pinkerton* and *Ernest Hawkins*, Great St. Helens, City, metal brokers, April 24 at 1, London, last ex.—*Thos. Innocent*, Bedford-street, Covent-garden, Middlesex, grocer, May 1 at half-past 1, London, last ex.—*R. Green Grimes*,

High-street, Poplar, and Golden-lane, Old-street, Middlesex, licensed victualler, April 23 at 1, London, last ex.—*Matthew Somerville*, Liverpool, joiner, April 24 at 1, Liverpool, last ex.—*John Murley*, St. Chad's-wells, Middlesex, carriage builder, April 25 at 11, London, aud. ac.; May 3 at 11, div.—*John Freeman*, Blackfriars-road, Surrey, chemist, April 25 at 11, London, aud. ac.; May 3 at 11, div.—*Wm. Smith* and *Wm. Francis Patient*, Bermondsey New-road, Surrey, tanners, April 25 at 11, London, aud. ac., and May 3 at half-past 11, div., sep. est. of *Wm. Francis Patient*.—*Lewis Powell*, Chapel-place, Cavendish-square, Middlesex, plumber, April 25 at half-past 11, London, aud. ac.; May 3 at 11, div.—*W. Chamney*, Portsmouth, grocer, April 24 at 12, London, aud. ac.—*Wm. Thos. Panter Green*, Northampton, currier, April 24 at half-past 12, London, aud. ac.—*John George Shipley*, Regent-street, Middlesex, saddler, April 24 at half-past 1, London, aud. ac.—*Compton Prescott*, Yarnton, Oxfordshire, corn dealer, April 25 at 11, London, aud. ac.—*Edmund J. Niemann*, Newman-street, Oxford-street, Middlesex, picture dealer, April 25 at 2, London, aud. ac.—*Richard Wallington Tilley*, Weston-super-Mare, Somersetshire, draper, May 2 at 11, Bristol, aud. ac.—*Wm. John*, Pontypridd, Glamorganshire, grocer, May 2 at 11, Bristol, aud. ac.; May 9 at 11, div.—*W. Brown*, Marlborough, Wiltshire, butcher, May 9 at 11, Bristol, aud. ac.—*E. Flower*, Liverpool, silversmith, May 7 at 11, Liverpool, aud. ac.; May 8 at 11, div.—*G. Green*, Liverpool, merchant, April 24 at 11, Liverpool, aud. ac.; May 3 at 11, div.—*John Noble*, Carlisle, Cumberland, rope maker, April 25 at 12, Newcastle-upon-Tyne, aud. ac.—*William Joyce Smith*, Newcastle-upon-Tyne, commission agent, April 25 at half-past 12, Newcastle-upon-Tyne, aud. ac.—*Joseph Wright*, Heaton Norris, and Caton, Lancashire, cotton spinner, May 1 at 12, Manchester, aud. ac.; May 7 at 12, div.—*Tilden Smith*, *James Hilder*, *George Scrivens*, and *Francis Smith*, Hastings, Sussex, bankers, May 3 at half-past 1, London, fin. div.—*Henry Harvey*, Hatton-garden, Holborn, Middlesex, lamp manufacturer, May 3 at 1, London, div.—*Edward Smith*, Russell-street, Bermondsey, Surrey, woolstapler, May 3 at 1, London, div.—*Edward Russell*, Long-lane, Bermondsey, Surrey, leather merchant, May 3 at 1, London, div.—*John Cooke*, Raven-row, Spitalfields, and Hall-street, City-road, Middlesex, and South Shields, Durham, glass manufacturer, May 3 at 2, London, div.—*Sagar Holden Splatt*, Strand, Middlesex, sailmaker, May 3 at 2, London, div.—*Dawson Plane*, King's Lynn, Norfolk, draper, May 3 at 1, London, div.—*G. Padmore* the younger, Northampton, shoe manufacturer, May 3 at 1, London, div.—*Jesse Attwood*, Newington, near Sittingbourne, Kent, licensed victualler, May 3 at 12, London, div.—*R. D. Es.* St. George's-road, Southwark, Surrey, horse dealer, May 3 at 1, London, div.—*George Brooke*, Leadenhall-market, City, and Windsor, Berkshire, provision dealer, May 3 at 12, London, div.—*George E. Walker*, Nottingham, victualler, May 9 at 11, Nottingham, aud. ac. and div.—*Benj. Rhodes* and *George Rhodes*, Nottingham, brassfounders, May 9 at 11, Nottingham, aud. ac. and div.—*Samuel Vincent*, Long Sutton, Lincolnshire, butcher, May 9 at 11, Nottingham, div.—*John F. Fletcher*, Long Sutton, Lincolnshire, surgeon, May 9 at 11, Nottingham, div.—*Benjamin P. Arnold*, Manchester, manufacturer, May 7 at 12, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*George Butcher*, Prior-place, East-street, Old Kent-road, Surrey, boot manufacturer, May 3 at 11, London.—*Thomas B. Cousins*, Lloyd's Coffee-house, and St. Michael's-alley, City, underwriter, May 3 at 2, London.—*John G. Sullivan*, Blackman-street, Southwark, Surrey, boot manufacturer, May 3 at 12, London.—*Edwin Parkes*, Gloucester, leather seller, May 6 at 11, Bristol.—*James Ferguson*, Stonehouse, Devonshire, draper, May 6 at half-past 12, Plymouth.—*John Scott*, Stonehouse, Devonshire, draper, May 6 at half-past 12, Plymouth.—*Charles Eaton* the younger, Manchester, leather factor, May 3 at 12, Manchester.—*Christopher Hood* and *John Nixon*, Nuneaton, Warwickshire, elastic web manufacturers, May 6 at 11, Birmingham.—*George Barton*, Cromford and Bonsall, Derbyshire, draper, May 7 at half-past 11, Nottingham.—*John Copestake*, Derby, engineer,

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THE JURIST.

LONDON, APRIL 20, 1861.

WE recently directed attention to the bill brought into the House of Commons by Sir John Trelawny, to abolish the objection to the incompetency of witnesses on the ground of the want of religious belief. (Ante, p. 95). That bill, it will be remembered, was introduced in consequence of the rejection in a county court of the testimony of a person who was an avowed Atheist, and similar instances have occurred in other places. But instead of providing that persons in that unhappy state of mind may be examined, allowing the jury to judge of their credibility, which we think would be a decided improvement in our law, the bill of Sir J. Trelawny purports to legislate for two very different classes of persons—those who "shall refuse or be unwilling from alleged conscientious motives to be sworn," and those "who shall express a desire to make an affirmation in lieu of an oath"—both of which he proposes to allow to give evidence on solemn affirmation and declaration, if they "solemnly, sincerely, and truly affirm and declare that an oath would not, in their judgment, oblige them more closely to speak what is true than their deliberate undertaking so to do;" subject, however, to the penalties of perjury for giving false testimony. This bill not only meets the case of the Atheist, but supplies an effectual shelter to persons who believe in the sanction of an oath, but wish to evade its obligation. The discussion on the second reading of the bill

stands adjourned, with, as would appear from the debate, very faint prospect of its success.

But, opposed as we are to Sir J. Trelawny's bill, for the above as well as other reasons, we cannot help feeling that the law on the present subject is by no means in a satisfactory state. The general rule is, that witnesses must be sworn—"non creditur nisi juratis;" but there are some important exceptions. Quakers, Moravians, and Separatists, and persons who have belonged to either of the former sects, are allowed to make solemn affirmation instead of oath in all cases, civil and criminal; and by the Common-law Procedure Act, 1854, sect. 20, all other persons who have conscientious objections to taking oaths in any form are allowed the like privilege in civil cases. Now, we are glad to find that, since the partial discussion of Sir J. Trelawny's bill, this matter has been taken in hand by Mr. Locke, who has introduced a bill which has been read the first time, and we hope will be successful, to extend to criminal cases the above-mentioned enactment of the Common-law Procedure Act, 1854. There can surely be no difference in principle between civil and criminal cases in this respect; and it certainly does seem anomalous, that if a murder or other felony is committed in the presence of a person, who from conscientious motives refuses to be sworn, the criminal must on that account be allowed to escape with impunity, while the solemn affirmation of the very same person would be receivable in a civil suit where millions are at stake.

Before dismissing the subject, we desire once more to revert to the case of the Atheist. An additional argument that Atheism should be looked on as an



objection to *credit*, and not to *competency*, may be found in this, that there is every reason to believe that the affectation or pretence of it is sometimes resorted to as a means for stifling testimony. A case, recently reported in the newspapers, at least shews the necessity of instituting full inquiry when an avowal of Atheism is made by a witness. The case in question is that of *Reg. v. Williams*, who was tried for murder at Swansea, before Byles, J., on the 25th March, 1861, and we have been favoured, by one of the counsel concerned, with a note of that part of it that bears on our present subject. One of the witnesses against the prisoner was his sister. When she came into the box she was examined on the *voir dire* by the counsel for the prisoner, who asked, had she any religious belief; to which she replied, she had not. Had the matter rested here, she was evidently incompetent; but she was cross-examined by the counsel for the prosecution, Mr. S. H. Giffard, as follows:—

"Q. Do you know the difference between right and wrong?—A. Yes.

"Q. Is it right or wrong to tell a lie?—A. It is wrong.

"Q. Do you believe that a person can be punished after death for wrong done in life?—A. Perhaps he can.

"Q. Who would punish?—A. I suppose God would.

"Q. Do you believe, if a person died impenitent after taking a false oath, God would punish him?—A. Yes."

Whether the first answer, that she "had no religious belief," was dictated by the witness misunderstanding the question put to her, as meaning did she belong to any particular religious sect; or by a desire to save the accused by pretending Atheism, seems questionable: but her subsequent answers clearly establishing her competency, the witness was sworn.

Since the above was penned, Mr. Locke's bill has been read a second time.

#### DIRECT AND PRESUMPTIVE EVIDENCE—PUNISHMENT OF DEATH.

THE newspapers give the following report of a case tried on the 4th instant, at Chester, before Byles, J.:—

"Joseph Maddox was indicted for perjury.

"Mr. Brandt prosecuted; Mr. M. Lloyd defended the prisoner.

"It appeared that in 1857 one John Conelly was convicted of an unnatural offence before the late Baron Watson at the assizes, and sentence of death was recorded against him. The unhappy man has since died while in penal servitude, to which he was sentenced for life. Since his death, from certain evidence that came to light, the prisoner at the bar, who was one of the principal witnesses on the former occasion, and who swore to having seen the act committed, was arrested, and committed for trial at these assizes.

"His Lordship suggested that, as Mr. Horatio Lloyd was counsel for the prosecution in the trial against Conelly, it was right that Mr. Lloyd should be examined.

"He was then sworn, and requested to read his note of the cross-examination from his brief on that

occasion. His Lordship conducted his examination, the counsel on either side stating that they would rather leave it in his Lordship's hands.

"The details are entirely unfit for publication, and, after a most painful and protracted trial, .

"His Lordship summed up with his usual care and minuteness, leaving it entirely to the jury to say whether they believed the witnesses or not.

"The jury found a verdict of guilty, and

"His Lordship, after commenting on the enormity of the offence, sentenced the prisoner to eighteen months' imprisonment, with hard labour."

This case, assuming it correctly reported, is worthy of remark for three reasons. First, as illustrating the truth of the well-known observation respecting accusations for rape, unnatural offences, &c., that they are easily made, and difficult to be disproved. Secondly, as a proof, if indeed one be wanting, that direct evidence may lead to unjust condemnation quite as effectually as circumstantial or presumptive evidence, and thus supplying an answer to the unreflecting outcry so often raised against the latter. Thirdly, one of the favourite arguments of those who advocate the abolition of the punishment of death in all cases is, that the punishment is irrevocable; whereas, say they, if a man is unjustly condemned to imprisonment or penal servitude, he can be released at any moment should his innocence appear. But these persons overlook the fact, of which this case seems an instance, that death may be induced by imprisonment or hard labour, joined to the depressing influence created by the ignominy of a public conviction, and the uncertainty of the vindication of innocence, quite as effectually as by the hands of an executioner. When the death penalty is inflicted, the punishment, indeed, becomes irrevocable *sooner*, but that is all. We do not stop to inquire how far the consideration that it does so influences the minds of tribunals towards caution in inflicting it, nor how far the notion of the revocability of punishment being continually present to their view tends to produce hasty and unjust convictions.

#### RETURNS RELATING TO DIVORCE AND MATRIMONIAL CAUSES.

SOME valuable returns on this subject have been made to the House of Commons, in obedience to an order granted on the motion of Mr. Malins. From these we extract the following:—

Since the passing of the Divorce Act (the 28th August, 1857) there have been—

1.—604 petitions filed for dissolution of marriage for acts of adultery committed in the following years—i. e. in 1823, 1; 1833, 3; 1834, 2; 1836, 1; 1837, 1; 1838, 2; 1839, 2; 1840, 4; 1841, 8; 1842, 2; 1843, 3; 1844, 10; 1845, 6; 1846, 11; 1847, 17; 1848, 15; 1849, 8; 1850, 27; 1851, 30; 1852, 25; 1853, 36; 1854, 38; 1855, 39; 1856, 59; 1857 (up to the 28th August, 36; subsequent to the 28th August, 43), 79; 1858, 85; 1859, 66; and 1860, 24.

2.—195 petitions for judicial separation. For adultery: committed in 1833, 1; 1841, 1; 1844, 1; 1846, 4; 1849, 1; 1850, 1; 1851, 1; 1852, 5; 1853, 4; 1854, 6; 1855, 7; 1856, 7; 1857, 16; 1858, 10; 1859, 10; and 1860, 4. For cruelty: committed in 1826, 1; 1830, 1; 1833, 1; 1836, 1; 1837, 1; 1838, 5; 1839, 1; 1840, 1; 1841, 1; 1842, 1; 1844, 1; 1845, 2; 1846, 1; 1847, 3; 1848, 1; 1849, 1; 1850, 4; 1851, 4; 1852, 4; 1853, 3; 1854, 9; 1855, 5; 1856, 9; 1857, 15; 1858, 16; 1859, 6; and 1860, 3. For desertion: in 1833, 1; 1842, 1; 1843, 1; 1844, 1; 1849, 1; 1850, 2; 1852, 1; 1853, 4; 1854, 1; and 1856, 2.

3.—32 petitions for the restitution of conjugal rights. Of these the parties separated in 2 cases in 1839; in 1 case in 1843; 2 in 1853; 2 in 1855; 1 in 1856; 7 in 1857; 12 in 1858; 4 in 1859; and 1 in 1860.

4.—13 petitions for nullity of marriage. Of these the years of the alleged marriages were as follows:—In 1834, 1; in 1839, 2; in 1840, 1; in 1851, 1; in 1852, 2; in 1854, 1; in 1855, 1; in 1857, 2; in 1858, 1; and in 1859, 1.

5.—85 applications for protection of wife's property. Of these the desertion took place in 1 case in the year 1819; 1 in 1824; 1 in 1825; 1 in 1827; 1 in 1833; 4 in 1834; 1 in 1835; 5 in 1836; 1 in 1837; 2 in 1838; 2 in 1839; 2 in 1841; 1 in 1842; 3 in 1843; 1 in 1844; 1 in 1845; 2 in 1846; 2 in 1847; 3 in 1849; 7 in 1850; 6 in 1851; 4 in 1852; 4 in 1853; 5 in 1854; 7 in 1855; 3 in 1856; 4 in 1857; 6 in 1858; 2 in 1859; and 2 in 1860.

6.—From the 11th January, 1858, to the 21st August, 1860, 239 dissolutions have been decreed, and 19 refused. Of these 212 were undefended at the trial.

7.—On the 21st August, 1860, 141 causes for dissolution of marriage were set down for trial.

No record has been kept of the cases where the petitioner was examined.

### BOOKS RECEIVED.

An Action at Law: being an Outline of the Jurisdiction of the Superior Courts of Common Law, with an Elementary View of the Proceedings in Actions therein. By Robert Malcolm Kerr, LL.D., Barrister-at-Law, now Judge of the Sheriff's Court of the City of London. Third Edition: prepared for the Press by Bassett Smith, Esq., of the Middle Temple, Barrister-at-Law.—Butterworths, 1861.

Examples of Administration Bonds for the Court of Probate: exhibiting the Principle of various Grants of Administration, and the correct Mode of preparing the Bonds in respect thereof; also Directions for preparing the Oaths, and full Examples of Oath in some particular Cases; arranged for Practical Utility; with Extracts from the Statutes, Rules, and Orders; also various Forms of Affirmation prescribed by Acts of Parliament. By Samuel Chadwick, one of the Principal Clerks of Seats of Her Majesty's Court of Probate.—Butterworths, 1861.

### Court Papers.

#### EQUITY CAUSE LISTS, EASTER TERM, 1861.

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. C. Further Consideration—F. D. Further Directions—M. Motion—M. D. Motion for Decree—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—S. O. Stand Over—Sh. Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

#### APPEALS.

Emor v. Barwell (S., Feb. 18)	Trotman v. Fleisher } (S.,
April 22	Fleisher v. Trotman } Mar. 6)
Elwes v. Elwes (S., Feb. 20)	Tuckley v. Thompson (W.,
Clayton v. Clarke (S., Feb. 25)	Mar. 8)
Norris v. Chambres (R., Feb. 25)	Bauman v. Matthews (S., Mar. 14)
Norris v. Chambres } (R.,	Case v. James (R., Mar. 25)
Norris v. Sadler } Mar. 4)	Selby v. Pomfret (W., Mar. 26)
Haley v. Hamersley (R., Mar. 6)	Ridgway v. Newstead (S., Mar. 27).

Before the Right Hon. the MASTER OF THE ROLLS.

#### CAUSES, &c.

Thomas v. Wilson (M D)	Cathcart v. Harvest (Cause)
Pocock v. Anglo-Australian and Universal Family Life Assurance Co. (M D)	Sh
Simeox v. Law (M D)	Sparling v. Parker (F C, Ptn)
Woolfall v. Kent (Cause)	Asphall v. Bourne (F C)
Lloyd v. Smith (M D) April 29	Harrison v. Harrison (M D)
Gallard v. Hope (M D) May 7	Sh
Saxon v. Blake (M D)	Bircham v. Simpson (M D)
White v. Chalcraft (M D)	Holditch v. Roberts (F C)
Partington v. Cheetham (M D) April 27	Bateman v. Gray (F C)
Watney v. Wells (M D) April 19	Holt v. Davies (M D) Sh
Ooddeen v. Oakeley (M D)	Kemp v. Nunn (M D)
Jones v. Southall (M D)	Nunn v. Kemp (M D)
West v. Matthews (Cause)	Baylis v. Powis (M D)
Matthews v. West (Cause)	Penry v. Penry (M D)
Greenhill v. Stevens (M D) April 25	Henly v. Sawyer (M D)
Bridgman v. Gill (M D)	Smee v. Baines (Cause)
Pare v. Clegg (M D) April 23	Austin v. Farebrother (F C)
Hannah v. Hodson (M D)	Gaby v. Gaby (Cause)
Saltmarsh v. Barrett (M D)	Dalton v. Crew (Cause)
Walrond v. Walrond (Cause)	In re Addecott } (F C, adj.
Stanford v. Sandeman (Cause)	Addecott v. Adde- } from
English v. Reeve (M D)	cott } chamb.)
Alexander v. West End of London and Crystal Palace Railway Co. (M D)	Osborn v. Osborn (M D)
Gent v. Wormald (M D)	Pritchard v. Tupling } (F C)
Deacon v. Chatterton (M D) April 30	Tupling v. Hodgson }
Studdy v. Studdy (Cause)	Newman v. Wilson (M D)
Taylor v. Lancashire & Yorkshire Railway Co. (Cause)	Walker v. Williams (M D)
Larkins v. Watson (M D)	Woolmer v. Saunders (F C)
Parks v. Cheeseman (M D)	Stokoe v. Cowan (Cause)
Armstrong v. Nash (M D)	Dent v. Buckney (M D)
Wells v. Smith (M D)	Bevan v. Sturgis (M D)
Modlen v. Snowball (M D)	Vyryan v. Vyryan (M D)
Southern v. Harris (F C)	Pack v. Beresford (M D)
Holland v. Aliso (F C)	Vaughton v. Noble (M D)
Lambton v. Redford (M D)	Baynes v. Young (M D)
Turner v. Brittain (M D)	Baynes v. Scott (M D)
	North v. Huber (M D)
	Waring v. Brammer (F C)
	In re Walduck's } (F C, ad-
	Estate } journed
	Russell v. Wal- } from
	duck } chambers)
	Russell v. Walduck (F C)
	Russell v. Walduck (Cause)
	Gwynne-Holford v. Roche (F C).

Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

#### CAUSES, &c.

Wason v. Kempeon (Cause, part heard)	Haylock v. Rowbotham (F C)
Berrie v. Welland Railway Co. (E to answer)	Wright v. Salmon (F C)
Guillon v. Rotch } (F C,	Finch v. Gent (M D)
Rotch v. Guillon } Sums.)	Mawe v. Heaviside (F C)
Guillon v. Wason (M D)	Shaw v. Johnson (F C)
In re Harrison's } (F C, adj.	Mitchell v. Mitchell (M D)
Estate } from	Tranfield v. Tranfield (Cause)
Salsbery v. Lealie } chamb.)	Dawson v. Clarke (M D)
Pollard v. Doyle } (F C, Ptn)	Borton v. Scott (M D)
Kearns v. Doyle }	In re Plasket's Es- } (F C,
Thackthwaite v. Hopkinson (M D)	tate } adj. from
Drakeford v. Stubbs (F C, Sums. to vary certificate)	Bryant v. Knyvett } chamb.)
Prance v. Ernest (Cause)	Knipe v. Knipe (M D)
Gregory v. Marshall (F C)	Gannon v. Ernest (Cause)
Parker v. Hodgson (M D)	Turner v. Spooner (M D)
Broughton v. Cheesewright (M D)	Gardner v. Evans (M D)
De Porquet v. Wagener (Ca.)	Lee v. Page (M D)
Morris v. Morris (M D)	Baker v. Machin (M D)
Smith v. Donville (F C, Sums. to vary certificate)	Nicholson v. Nicholson (M D)
Wyndham v. Rickford (M D)	Morton v. Badley (M D)
Colyer v. Colyer (M D)	Troutbeck v. Boughy (F C)
	Underwood v. Joyce (M D)
	Dangar v. Stewart (Cause)
	Meinertzhayen v. Stewart (Cause)
	Rose v. Sharrod (M D)

Tickler v. Metcalfe (M D)  
Blackman v. Walker (F C)  
Shuttleworth v. Bristo (F C)  
Turner v. Langridge (F C)  
Liddon v. Litchfield (F C)  
Wellfitt v. Hyde (M D)  
Forrest v. Manchester, Sheffield, & Lincolnshire Railway Co. (M D)  
Aylwyn v. Witty (Cause)  
Wilkinson v. Dyson (F C)  
Yates v. Madden } (F C)  
Lewis v. Yates }  
Marsh v. Keith (M D)  
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Estate } from  
Wilson v. Leslie } chamb.)  
Smith v. Smith (M D)  
Gainsford v. Gainsford (M D)  
Att.-Gen. v. Drapers Co. (F C)  
Woodriddle v. Burriddle (M D)  
Richardson v. Wright (M D)  
Chaffers v. Chaffers (F C)  
Baldry v. Baker (F C)  
Loring v. Thomas (F C)  
Larke v. Cann (F C)  
Sellon v. Watts (F C)  
Rogers v. Appleby (F C)  
Waud v. Wright (M D)  
Jefferson v. Jefferson (F C)  
Jones v. Gloster (F C)  
Sargisson v. Whaler (F C).

Boardman v. Reynolds (M D)  
Meade v. Cook (M D)

Ward v. Davies (F C)  
Gibbs v. Daniel (M D).

*Before the Vice-Chancellor Sir W. P. Wood.*

#### CAUSES, &c.

Benham v. Keene (Adj. Summons, part heard)  
Hendrick v. Wood (Pl)  
Mansell v. Feenay (Pl)  
Harding v. Wickham (D)  
Hendry v. Metropolitan Railway Co. (D)  
Dent v. Turpin (D)  
Tucker v. Turpin (D)  
Webber v. Drummond (D)  
Webber v. Drummond (D)  
Coston v. Gardner (Cause)  
Postle v. Bury St. Edmunds Gas Co. (M D)  
Fleming v. Rodocanachi (M D)  
Lewellin v. Eiloart (Cause)  
Vokins v. Gray (M D)  
Wells v. Woodward (M D)  
Knapp v. Burnaby (F C)  
Dewsbury v. Shone (F C, Summons to vary certif.)  
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Thellusson v. Defontaine (M D)  
Woolcombe v. Brown (M D)  
Wagner v. Pennell (Cause)  
Matthews v. Matthews (M D)  
Boyes v. Bedale (Cause)  
Mendes v. Guedella (M D)  
Heyworth v. Great Western Railway Co. (Cause)  
Stanley v. Stanley (M D)  
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Hunter v. Stewart (Cause)  
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Wilkins v. Sharman (Cause)  
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Palmer v. Walker (M D)  
Thompson v. Thompson (M D)  
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Nixon v. Roberts (M D)  
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Blakesley v. Blakesley (M D)  
Gardner v. Jervis (M D)  
Cottam v. Newton (M D)  
Round v. Bell (Cause)  
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Kenward v. Holman (F C)  
Mayor, &c. of Kingston-upon-Hull v. Att.-Gen. (M D)  
Padwick v. Hawkins (Cause)  
Clapham v. Stevens (F C)  
Budd v. Hughes (M D)  
Rolt v. Att.-Gen. (Cause)  
St. Thomas's Hospital v. Charing-cross Railway Co. (M D)  
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*Before the Vice-Chancellor Sir JOHN STUART.*

#### CAUSES, &c.

Cunningham v. Butler (Sp. C., part heard)  
Cory v. Watts (F C, part hd.)  
Haworth v. Richardson (E to answer)  
Turnbull v. Woolfe (D)  
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Brock v. Kellock (M D)  
Parris v. Loosemore (4) (F C, Ptn)  
Mare v. Warner (M D)  
Porter v. Porter (F C)  
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Parsons v. Gulliford (M D)  
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Phillips v. London & South-western Railway Co. (M D)  
Watson v. Benthall (F C)  
*May 1*  
Jones v. Evans (M D)  
Farrant v. Matthews (M D)  
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Wilkins v. Hogg (M D)  
Berry v. Smith (Cause)  
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Gooch v. Slater (F C)  
Scott v. Cole (F C)  
Lacey v. Ramsdale (F C)  
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Airey v. Borham (M D)  
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Tatham v. Vernon (M D)  
Lowther v. Cuffe (Cause) *Sh*  
Day v. Wells (M D)  
In re Foster's Estate } (F C, adj.  
Scott v. Foster } from  
Westall v. Bain (F C) *Sh*  
Hawkesworth v. Thomas (M D)  
Valentine v. Dickinson (Cau.)  
Winton v. Langridge (M D)  
Mileom v. Harvey (3) (F C)  
Prideaux v. Day (F C)  
Hawking v. Burton (M D)  
Dorrington v. Finch (M D)  
Todd v. Miles (F C)  
Holloway v. Poole (F C)  
Toulmin v. Baker (F C)  
Trayloe v. Rippen (Cause)  
Marratt v. Boore (M D)  
Holworthy v. Dyer (F C)  
Keane v. Parker (Cause)  
Woodhead v. Turner (3) (F C)  
Whitney v. Dixon (F C)

The Lord Chancellor has appointed Mr. M. J. F. Brickdale, of the Middle Temple and Lincoln's-inn, to be one of the conveying counsel to the Court of Chancery, in the place of Mr. Bellenden Ker, resigned.

Edwin James, Esq., Q.C., M.P., has resigned his seat as member for Marylebone, and also the office of recorder of Brighton.

May 7 at half-past 11, Nottingham.—*George E. Walker*, Nottingham, victualler, May 7 at 11, Nottingham.—*Thomas Barton*, Liverpool, tanner, May 9 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

*James White*, Chiddington, Kent, miller.—*John Rogers*, Brighton, Sussex, hotel keeper.—*Thomas Kendall Scott-orn*, Northampton, currier.—*Charles Spikins*, Duke-street, Portland-place, Middlesex, bottled beer merchant.—*James Steward*, Newport, Isle of Wight, trader.—*Edwin Guest*, Blackfriars-road, Surrey, ironmonger.—*Wm. Cox*, Lamb's Conduit-street, St. George-the-Martyr, Middlesex, fish sauce manufacturer.—*Joseph Groom*, Wisbeach St. Peters, Cambridgeshire, leather dealer.—*Edward C. Walker*, Brew-house-yard, St. John-street, Clerkenwell, Middlesex, annatto manufacturer.—*Joseph C. Morrow* and *Robert T. Morrow*, Liverpool, shipbrokers.—*John Hall*, Belmont, Lancashire, manager of a cotton mill.—*Roseland Wm. Connell*, Liverpool, dealer in teas.

#### PETITION ANNULLED.

*Thomas Blaber Daniel*, High-street, Poplar, Middlesex, ironmonger.

#### SCOTCH SEQUESTRATIONS.

*Thomas Hunter*, Edinburgh, grocer.—*Peter Elder*, Summerhill, near Aberdeen, horse dealer.—*Robert Finlayson*, Edinburgh, grocer.—*William S. Andrew*, Glasgow.—*Robert Gardiner*, Aberdeen, grocer.—*Robert Bald*, Glasgow, ironmonger.—*James Sillars*, Glasgow, blacksmith.—*J. Wilson*, jun., Glasgow, wright.—*Robert Cruickshanks*, Auchinairn, grocer.—*George Longstaff*, Castleton, public-house keeper.—*M'Allan, Brothers*, Glasgow, and Dillichip, Dumbartonshire, calico printers.

#### TUESDAY, April 16.

##### BANKRUPTS.

*WILLIAM ALFRED PUTNAM*, New Oxford-street, Middlesex, glass dealer, April 25 at 2, and May 23 at half-past 1, London: Off. Ass. Bell; Sol. Treherne, 17, Gresham-st.—Pet. f. April 10.

*ISAAC LEVITT* and *MORRIS TOBIAS LEVITT* (trading as J. & M. T. Levitt), Minories, Middlesex, chronometer manufacturers, April 30 at half-past 1, and May 30 at 12, London: Off. Ass. Johnson; Sols. Messrs. Lumley, 2, Moorgate-street, City.—Pet. f. April 16.

*EDWARD THOMAS NASH JENKINS*, Victoria-park-square, Bethnal-green, Middlesex, cigar manufacturer, April 26 at half-past 12, and May 31 at 12, London: Off. Ass. Cannan; Sols. Pocock & Poole, 58, Bartholomew-close.—Pet. f. April 15.

*WILLIAM HENRY HAMBURGH*, High-street, Poplar, Middlesex, upholsterer, April 23 at half-past 12, and May 26 at 12, London: Off. Ass. Graham; Sol. Wells, 47, Moorgate-street, London.—Pet. f. April 8.

*RICHARD KNIGHT BOORMAN*, Marden, Kent, cattle dealer, April 29 and May 29 at 12, London: Off. Ass. Pennell; Sols. Hughes & Co., 1, St. Swithin's-lane, London.—Pet. f. April 13.

*EBENEZER RAE*, Eastcheap, City, commission agent, April 30 and May 28 at 1, London: Off. Ass. Edwards; Sols. Peck & Downing, 10, Basinghall-street, London.—Pet. f. April 11.

*EDWARD BREEZE*, Brierley-hill, Kingswinford, Staffordshire, grocer, April 26 and May 17 at 11, Birmingham: Off. Ass. Whitmore; Sols. E. & H. Wright, Birmingham; Horner, Brierley-hill.—Pet. d. April 3.

*HENRY CHARLES CHOWN*, Sheffield, Yorkshire, shoe dealer, April 27 and May 18 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdekin, Sheffield.—Pet. d. April 2; f. April 3.

*JOHN DUFFIELD* and *WILLIAM RISPIN DAUBER*, Sheffield, Yorkshire, grocers, April 27 and May 18 at 10, Sheffield: Off. Ass. Brewin; Sols. Bond & Barwick, Leeds.—Pet. d. and f. April 12.

*SAMUEL GREENHALGH*, Bury, Lancashire, confectioner, May 1 and 29 at 12, Manchester: Off. Ass. Pott; Sols. Watson, Bury; Higson & Robinson, Manchester.—Pet. f. April 10.

*JOHN MILLS*, Royton, near Oldham, Lancashire, cotton manufacturer, April 30 and May 28 at 12, Manchester: Off. Ass. Herniman; Sols. Slater & Myers, Manchester.—Pet. f. April 10.

*JAMES COWDEROY*, late of Acton, and Clifton-cottage, Brentford-lane, Middlesex, but now of Peckham, Surrey, innkeeper, April 24 at half-past 2, and May 28 at half-past 12, London: Off. Ass. Stansfeld; Sols. Smith & Son, 6, Barnard's-inn, Holborn, London.—Pet. f. April 15.

#### MEETINGS.

*Walter Allanson*, Castle-street, Holborn, City, Australian merchant, April 26 at half-past 12, London, last ex.—*Joseph Corne*, Stourbridge, Worcestershire, soda-water manufacturer, April 30 at 11, Birmingham, aud. ac.—*Wm. Harris Hall*, Shrewsbury, Shropshire, auctioneer, April 30 at 11, Birmingham, aud. ac.—*Edwin Lindop*, Knighton, Muckleston, Staffordshire, farmer, April 30 at 11, Birmingham, aud. ac.—*Philip Walters*, Wolverhampton, Staffordshire, auctioneer, April 30 at 11, Birmingham, aud. ac.—*John Blake-way*, Birmingham, Warwickshire, and Yardley, Worcestershire, lamp manufacturer, April 30 at 11, Birmingham, aud. ac.; May 17 at 11, div.—*John Tonks*, Birmingham, printer, April 30 at 11, Birmingham, aud. ac.; May 17 at 11, div.—*John Kippax*, East Retford, Nottinghamshire, watch maker, April 27 at 10, Leeds, aud. ac.—*John Heald* the elder and *John Heald* the younger, Eckington, Derbyshire, shoemakers, April 27 at 10, Sheffield, aud. ac.—*Robert Dawson Clegg* and *Frederick Angerstein*, Friday-street, Cheapside, and Fleet-street, City, dealers in atmospheric clocks, May 7 at 1, London, fin. div.—*John George Shipley*, Regent-street, Middlesex, saddler, May 7 at half-past 12, London, div.—*Edward Stroud*, Thatcham, Berkshire, butcher, May 9 at 1, London, div.—*Benjamin Moore*, High Holborn, Middlesex, dealer in machines, and Basinghall-street, City, warehouseman, May 7 at 12, London, div.—*William George Foster*, Portsmouth, Hampshire, corn merchant, May 7 at 12, London, div.—*Thomas Nicholson*, Lydney, Gloucestershire, coal merchant, May 9 at 11, Bristol, div.—*William Weston Young*, *Joseph Weston Young*, and *George Young*, Neath, Glamorganshire, millers, May 9 at 11, Bristol, fin. div.—*William Gwilling*, St. Michael, Cwmdu, Breconshire, and Abergavenny, Monmouthshire, miller, May 9 at 11, Bristol, div.—*Joseph Spencer*, Bilston, Staffordshire, ironfounder, May 10 at 11, Birmingham, div.—*James Windeyer Leoty*, Wilden, Worcestershire, *William Henry Partridge*, Birmingham, Warwickshire, and *Edmund Leoty*, Stourport, Worcestershire, tinplate workers, June 21 at 11, Birmingham, div.—*James Goddard* and *Holland Goddard*, Market Harborough, Leicestershire, bankers, June 28 at 11, Birmingham, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*William Chamney*, Portsmouth, Hampshire, grocer, May 8 at 12, London.—*Henry Bateman*, Old Broad-street, City, timber merchant, May 9 at 1, London.—*Thomas Mayo*, Chesham, Buckinghamshire, wooden-ware manufacturer, May 8 at half-past 12, London.—*John Riley*, Blackburn, Lancashire, ironfounder, May 16 at 12, Manchester.—*Samuel Wannerton Richards*, Birmingham, hatter, May 24 at 11, Birmingham.—*Henry Thomas Tidmarsh*, Stratford-upon-Avon, Warwickshire, draper, May 24 at 11, Birmingham.—*Henry Gates*, Louth, Lincolnshire, chemist, May 8 at 12, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*James Winter*, Roselyn-terrace, Hampstead-road, Middlesex, surgeon.—*Henry Dray*, Priory Mills, Tunbridge, Kent, miller.—*Daniel Green*, High-street, Vauxhall, Surrey, and Crayford, Kent, potter.—*William Henry Smith*, *Henry William Withers*, and *George Parsson*, Creek, Bridge-road, Deptford, Kent, coal merchants.—*John Risley*, Lombard-street, City, dealer in shares.—*William Nathaniel Evans*, Colyton, Devonshire, tanner.—*Thomas Myott*, Manchester, grocer.—*John Dempsey*, Hooley-hill, Audenshaw, Lancashire, grocer.

#### SCOTCH SEQUESTRATIONS.

*John Seaton*, Musselburgh, hat manufacturer.—*Alexander Hill*, Edinburgh, wood carver.—*James Melville Watson*, Edinburgh, engineer.—*John Lochard*, Ardrishaig, Argyllshire, merchant.—*Jaffrey & Gunion*, Glasgow, cheesemongers.—*P. & A. Copeland*, Newtyle, Forfarshire, general merchants.

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## GAZETTES.—FRIDAY, April 19.

## BANKRUPTS.

**WILLIAM THOMAS HEMMING**, Old Broad-street, City, billbroker, May 3 and June 6 at 12, London: Off. Ass. Johnson; Sol. Runnacles, Elgin-chambers, Ironmonger-lane, London.—Pet. f. April 16.

**FREDERICK WILLIAM ADAMS**, King-street, Covent-garden, Middlesex, carver and gilder, May 2 at half-past 11, and June 6 at 11, London: Off. Ass. Bell; Sol. Gibson, 19, Gracechurch-street.—Pet. f. April 18.

**JOHN TALLIS**, Strand, and Water-street, Strand, Middlesex, printer, May 3 at half-past 12, and June 6 at 2. London: Off. Ass. Bell; Sols. Sole & Co., Aldermanbury; Lawrance & Co., 14, Old Jewry.—Pet. f. Sept. 28.

**SIMON LYON** (trading as James Simou Lyon), Frederick's-place, Hampstead-road, Middlesex, cabinet maker, May 3 at half-past 12, and May 31 at half-past 1, London: Off. Ass. Whitmore; Sol. Reed, 2A, St. Anne's-lane, City.—Pet. f. April 18.

**JAMES BURQUI GOUGH**, Th-ber-ton-street, Liverpool-road, Islington, Middlesex, timber merchant, May 3 at half-past 1, and May 31 at 1, London: Off. Ass. Whitmore; Sols. Brown & Godwin, 21, Finsbury-place.—Pet. f. April 16.

**EDWARD RALPH GILBERT**, Cripplegate-buildings, City, mantle manufacturer, April 29 and May 31 at 11, London: Off. Ass. Pennell; Sol. Treherne, 17, Gresham-street, London.—Pet. f. April 18.

**LOUIS BEGHIN**, St. Mary-at-Hill, City, merchant, May 1 at 12, and May 29 at 1, London: Off. Ass. Pennell; Sols. Ellis & Co., 12, Clement's-lane, London.—Pet. f. April 16.

**WILLIAM PARSONS**, Brill, Buckinghamshire, draper, May 1 at half-past 11, and June 3 at 12, London: Off. Ass. Pennell; Sols. Mason & Co., 7, Gresham-street, London.—Pet. f. April 18.

**ELIZABETH COPELAND**, widow, March, Cambridge-shire, grocer, April 30 and May 22 at 1, London: Off. Ass. Stansfeld; Sols. Wise & Dawbarn, March, Cambridge-shire; Lawrence & Co., 12, Bread-street, London.—Pet. f. April 15.

**JOHN PIPER**, Clarendon-street, Pimlico, Middlesex, wine merchant, April 30 at half-past 2, and June 1 at 12, London: Off. Ass. Edwards; Sol. King, 25, College-hill, Cannon-street West, London.—Pet. f. April 16.

**HENRY FREEMAN**, Leadenhall-street, City, merchant, April 30 at 2, and June 1 at 1, London: Off. Ass. Edwards; Sol. Waldron, 18, Red Lion-square, Holborn, London.—Pet. f. April 18.

**CHARLES RICHARD PETTIT**, Marlborough, Wiltshire, corn dealer, April 29 and May 28 at 11, Bristol: Off. Ass. Miller; Sols. Malecomb, Marlborough; Henderson, Bristol.—Pet. f. April 10.

**ARTHUR CHARLES LEWIS**, Bath, Somersetshire, tailor, April 29 and May 27 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol; Huson & Parker, 4, King-street, Cheapside, London.—Pet. f. April 3.

**WILLIAM BRAIN**, Risca, Monmouthshire, grocer, April 30 and May 28 at 11, Bristol: Off. Ass. Acraman; Sols. Greenway & Bytheway, Pontypool; Bevan & Co., Bristol.—Pet. f. April 9.

**JOSEPH MILLS**, Stratford-upon-Avon, Warwickshire, builder, May 3 and 24 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hodgson & Allen, Birmingham; Lane, Stratford-upon-Avon.—Pet. d. April 12.

**THOMAS DIGBY**, Ottery St. Mary, Devonshire, tailor, May 1 and 29 at 12, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. April 16.

**THOMAS PARKINSON**, Halifax, Yorkshire, stockbroker, May 3 and June 7 at 11, Leeds: Off. Ass. Young; Sols. Robson & Suter, Halifax; Cariss & Cudworth, Leeds.—Pet. d. and f. April 12.

**GORDON GILCHRIST M'KAY**, Liverpool, ships' stores dealer, (trading there with Henry Mottram, under the style or firm of Mottram & M'Kay), April 29 and May 23 at 11, Liverpool: Off. Ass. Bird; Sol. Barrell, Liverpool.—Pet. f. April 16.

## MEETINGS.

*Frederick T. Goodall*, Manchester, money scrivener, May

1 at 12, Manchester, ch. ass.—*John George Shipley*, Regent-street, Middlesex, saddler, joint proprietor of the Sporting Life and Eclipse newspapers, and sole proprietor of the Court Circular newspaper, April 30 at half-past 1, London, last ex.—*Edwin Bating*, Brighton, Sussex, grocer, May 1 at 2, London, last ex.—*Edw. Hunt*, Three Crown-square, Southwark, Surrey, hop merchant, April 30 at 2, London, last ex.—*Wm. Fairry*, Bedford, provision merchant, May 1 at 11, London, last ex.—*Wm. Frostick* the younger, Glengall-road, Cubitt's-town, and *Abraham Boys*, William-street East, Poplar, Middlesex, builders, May 3 at 11, London, aud. ac.—*Tilden Smith*, *James Hilder*, *George Scrivens*, and *Francis Smith*, Hastings, Sussex, bankers, April 30 at 11, London, aud. ac.—*Edward Smith*, Russell-street, Bermondsey, Surrey, woolstapler, April 30 at 11, London, aud. ac.—*Henry Harvey*, Hatton-garden, Holborn, Middlesex, lamp manufacturer, April 30 at 11, London, aud. ac.—*David Edwin Colombine*, Carlton-chambers, Regent-street, money scrivener, April 29 at 11, London, aud. ac.—*Wm. Heale* the younger, Bishops Canning, Wiltshire, seedsman, May 30 at 11, Bristol, aud. ac.—*John Tily*, Cheltenham, Gloucestershire, chemist, May 3 at 11, Bristol, aud. ac.—*James Hughes*, Cheltenham, Gloucestershire, ironmonger, May 3 at 11, Bristol, aud. ac.—*William Threlfall*, Preston, Lancashire, iron merchant, May 7 at 12, Manchester, aud. ac.; May 14 at 12, div.—*Wm. Ward*, Boothby Pagnell, Lincolnshire, farmer, April 30 at 11, Nottingham, aud. ac.—*Thomas Hobson*, Sheffield, Yorkshire, grocer, May 4 at 10, Sheffield, aud. ac.—*Joseph Horncastle*, Glamford Briggs, Lincolnshire, seed merchant, May 29 at 12, Kingston-upon-Hull, aud. ac. and div.—*Wm. Binks*, Kingston-upon-Hull, painter, May 29 at 11, Kingston-upon-Hull, aud. ac.; at 12, div.—*Henry F. Kemp* and *Wm. Skay*, Louth, Lincolnshire, distillers, May 29 at 12, Kingston-upon-Hull, aud. ac. and div.—*Thomas Linley*, Beverley, Yorkshire, grocer, May 29 at 11, Kingston-upon-Hull, aud. ac. and div.—*Thos. Robinson*, Kingston-upon-Hull, broker, May 29 at 12, Kingston-upon-Hull, aud. ac.—*George Thos. Dicks*, Greek-street, Soho, Middlesex, leather seller, May 11 at 12, London, div.—*Joseph Allcock* the younger, Ilford, Essex, miller, May 16 at 11, London, div.—*William Hills*, Sandgate, Kent, draper, May 10 at half-past 11, London, div.—*Philip Arnold* and *John Arnold*, Luton, Bedfordshire, straw-plait merchants, May 10 at 12, London, div. est. of *Philip Arnold*.—*Edward Goldschmidt* and *Hermann Boas*, Nottingham, wholesale stationers, May 21 at 11, Nottingham, aud. ac. and div.—*J. Muscott*, Westonbury, Pembroge, Herefordshire, engineer, May 13 at 11, Birmingham, div.—*Samuel J. Bird*, Weston, near Bath, Somersetshire, brewer, May 10 at 11, Bristol, fin. div.—*John Jones*, Chepstow, Monmouthshire, wine merchant, May 10 at 11, Bristol, fin. div.—*Henry Brown* and *Brook Hodgson*, Halifax, Yorkshire, velvet manufacturers, May 10 at 11, Leeds, div.—*Joseph Hartley*, Calverley, Yorkshire, cloth manufacturer, May 10 at 11, Leeds, div.—*Samuel Clabrough*, Kingston-upon-Hull, broker, May 29 at 12, Kingston-upon-Hull, div.—*William Herring*, Liverpool, confectioner, May 13 at 11, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Joseph Allcock* the younger, Ilford, Essex, miller, May 11 at half-past 11, London.—*Walter Blundell*, New Broad-st., City, dentist, May 10 at 1, London.—*Wm. David Simpson*, Crayford, Kent, brickmaker, May 10 at 1, London.—*Mark Hayes*, New Brentford, Middlesex, chessmonger, May 13 at 2, London.—*Anna Maria Owen*, New Bond-street, Middlesex, dealer in china, May 13 at half-past 1, London.—*Joshua Le Mare* and *Wm. C. Currie*, Broad-street-buildings, City, merchants, May 13 at half-past 11, London.—*G. Harjette*, Weaver-street, Bethnal-green, Middlesex, skein silk dyer, May 14 at 12, London.—*William Bennett*, Nether Stowey, Somersetshire, linendraper, May 23 at 12, Exeter.—*Joseph Farrar*, Bury, Lancashire, grocer, May 15 at 12, Manchester.—*George Thomas Rollason*, Birmingham, china dealer, May 27 at 11, Birmingham.—*John Ebenezer Neal*, Leicester, glove manufacturer and soda water manufacturer, May 28 at half-past 11, Nottingham.—*George Clark*, Holbeach, Lincolnshire, builder, May 28 at half-past 11, Nottingham.—

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THE JURIST.

LONDON, APRIL 27, 1861.

A BILL has been introduced into the House of Commons by Mr. Hodgkinson which well deserves the attention alike of jurists and practitioners. It is intitled "A Bill to prevent frivolous or fictitious Defences to Actions for Recovery of Debts;" and after reciting that creditors are often unjustly delayed and put to unnecessary expense in recovering debts, by reason of frivolous and vexatious defences to actions brought for the recovery of such debts, proposes to enact, "If the plaintiff, or one of the plaintiffs if more than one, in any action which shall be commenced in any of her Majesty's superior courts of common law at Westminster for recovery of a debt or liquidated demand in money, of the particulars of which a special indorsement may be made on the writ, pursuant to 'The Common-law Procedure Act, 1852,' shall, together with the præcipe on which such writ shall be issued, file or deliver an affidavit in Form No. 1 set forth in the schedule to this act, or to the like effect, no defendant in such action shall be at liberty to enter an appearance, unless he shall, with the memorandum of appearance, deliver to the proper officer an affidavit in the Form No. 2 set forth in the schedule to this act, or to the like effect, or unless he shall obtain leave from a judge of any of the said courts to appear to such writ, on paying into court the sum indorsed on the writ, or upon an affidavit or affidavits, satisfactory to the judge, which disclose a

legal or equitable defence to the action, or such facts as the judge may deem sufficient to support the application, and on such terms, as to security or otherwise, as to the judge may seem fit."

The forms here referred to are as follows:—

No. 1.

"In the Queen's Bench.

"A. B., who (together with C. D., or C. D. and others) is about to commence an action in the above court for recovery of £— from E. F., maketh oath and saith, that the said E. F. is justly and truly indebted to him, the plaintiff [or to him and his intended co-plaintiffs], in the said sum."

No. 2.

"In the Queen's Bench.

"A. B., plaintiff, against C. D.,  
or  
against C. D. and another,  
or  
against C. D. and others.

"The defendant C. D. hereby maketh oath and saith, that he verily believes he has a good defence to the whole claim of £— made by the plaintiff in the said action [or to £—, part of the claim of £— made by the plaintiff in such action]."

The idea of this bill seems to have been taken, in part at least, from the Summary Procedure on Bills of Exchange Act, 1855 (18 & 19 Vict. c. 67). That act; after reciting that bona fide holders of dishonoured bills and promissory notes were often unjustly delayed and put to unnecessary expense in recovering the amount thereof, by reason of frivolous or fictitious defences to actions thereon, and it was ex-

pedient that greater facilities than then existed should be given for the recovery of money due on such bills and notes; gives a special form of writ of summons for all actions on bills of exchange or promissory notes commenced within six months after due; whereby the defendant is informed, that unless he obtains leave to appear and defend, the plaintiff may, within twelve days of the service of the writ, proceed to judgment and execution; and then enacts, in its 2nd section, "A judge shall, upon application within the period of twelve days from service, give leave to appear to such writ, and to defend the action, on the defendant paying into court the sum indorsed on the writ, or upon affidavits, satisfactory to the judge, which disclose a legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the judge may deem sufficient to support the application, and on such terms as to security or otherwise as to the judge may seem fit." This statute may be looked upon as a strong measure; but Mr. Day, in his "Common-law Procedure Acts, &c." (p. 284, note), informs us that "it was urged upon the Legislature to treat dishonoured bills as *quasi* judgments; but this foreign practice, which seems to be based on no sound principle whatever, the Legislature refused to adopt."

The right of every man to defend himself against any charge, civil or criminal, is one which has not only been recognised by the law of England in every age, but is founded on an elementary principle of natural justice, and is known over almost all the world. Exceptions may, indeed, be found. Thus, by the ancient law of Scotland, the pannel—i. e. the accused—was not allowed to make any proof contrary to the averment of the libel (indictment); and a like principle may be traced in the laws of some other countries. (See on this subject Hume's Criminal Law of Scotland, vol. 2, pp. 297 et seq.) The Summary Procedure on Bills of Exchange Act is an improvement upon this: for the Scotch practice might perhaps be defended or extenuated on the ground that it was confined to criminal cases; and that those averments in libels to which the law attributed such unerring veracity were inserted in them by the officers of the Government, acting under grave responsibility; whereas by the English act the assumption of infallibility is extended to averments inserted in proceedings instituted by private individuals suing for real or imaginary debts due to themselves. It is true, indeed, that by that statute the defendant may defend himself, if he "obtains leave" of a judge to do so; but how is any judge competent to decide such a matter without virtually trying the cause? It is also important to observe, that the judge decides without a jury, and sitting in a private room, in which, according to recent regulation (ante, p. 97), not more than the parties attending two summonses are allowed to be present; and as no official record is made of the evidence, all the usual checks on tribunals—a jury, publicity, and recordation—are removed.

The 18 & 19 Vict. c. 67, and the bill before us, are levelled against the abuse of parties defending suits for delay, and with the view of creating costs and

causing vexation to plaintiffs; but we cannot help thinking that this desirable object might be attained without having recourse to the anomalous and unconstitutional remedies they offer. The above statute is comparatively harmless in practice, for a reason not very gratifying to its framers—viz. that the judges rarely exercise the right which it confers on them of excluding any man from defending his suit, if he offers any reason, however trivial or questionable in itself, that he ought to be permitted to do so. But the bill of Mr. Hodgkinson, should it ever become law, will not be quite so innocent. The 18 & 19 Vict. c. 67, is limited to bills of exchange and promissory notes, whereas this bill extends to most other cases of debts or liquidated demands in money (including, consequently, cases on bonds, &c. where the defence is that the instrument sued on is a forgery, &c.): and we have seen that it does not empower the judge to suppress the defence at his discretion or pleasure in all cases; for although the defendant has the alternative of satisfying the judge that he ought to be let in to defend, he can attain the same object in a more certain and summary manner by making affidavit, according to Schedule No. 2, that "he verily believes he has a good defence to the claim made by the plaintiff." This is a kind of affidavit which every unprincipled defendant would make without scruple; and as every unprincipled plaintiff would have as little scruple in making the affidavit required by Schedule No. 1, that the debt claimed is due to him from the defendant, the general effect of the proposed enactment would be, to sow a fruitful crop of perjury, without, as appears to us, any real advantage to justice.

#### THE ARRANGEMENT CLAUSES IN THE BANKRUPTCY AND INSOLVENCY BILL

THE clauses in the Attorney-General's bill with respect to arrangements by deed between debtors and creditors appear to have been as little considered by the Profession or the public as by the learned gentleman who introduced the bill, or by those whom he has employed to fabricate it. The clauses as they stand in the amended bill are as follows:—

"200. Every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor, and his release therefrom, and the distribution, inspection, management, and winding up of his estate, or any of such matters, shall be as valid and effectual, and binding on all the creditors of such debtor, as if they were parties to and had duly executed the same, provided the following conditions be observed; that is to say:—

- "(1). A majority in number, including three-fourths in value, of the creditors of such debtor whose debts shall respectively amount to 10% and upwards, shall, before or after the execution thereof by the debtor, in writing assent to or approve of such deed or instrument:
- "(2). If a trustee or trustees be appointed by such deed or instrument, such trustee or trustees shall execute the same:
- "(3). The execution of such deed or instrument by the debtor shall be attested by an attorney or solicitor:

- "(4). Immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees:
- "(5). Within twenty-eight days from the day of the execution of such deed or instrument by the debtor the same shall be produced and left (having been first duly stamped) at the office of the chief registrar, for the purpose of being registered:
- "(6). Together with such deed or instrument there shall be delivered to the chief registrar an affidavit, by the debtor or some other person able to depose thereto, or a certificate by the trustee or trustees, that a majority in number, including three-fourths in value, of the creditors of the debtor whose debts amount to 10*l.* or upwards, have in writing assented to or approved of such deed or instrument, and also stating the amount in value of the property and credits of the debtor comprised in such deed:
- "(7). Such deed or instrument shall, before registration, bear such ordinary ad valorem stamp duties as are hereinafter provided:

On fulfilment of the conditions aforesaid such deed or instrument shall be valid and effectual.

"201. The date, names, and descriptions of the parties to every such deed or instrument, not including the creditors, together with a short statement of the nature and effect thereof, shall be entered by the chief registrar in a book to be kept exclusively for the purposes of such registration. Such entry shall be made within forty-eight hours after the deed shall have been left with the registrar as aforesaid, and a copy of such entry shall be published in the London Gazette within four days after the making of such entry.

"202. Every deed, instrument, or agreement whatsoever, by which a debtor, not being a bankrupt, conveys, or covenants or agrees to convey, his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding up of his affairs or estate, or the release or discharge of such debtor from his debts or liabilities, shall, within twenty-eight days from and after the execution thereof by such debtor, or within such further time as the chief court shall allow, be registered in the Court of Bankruptcy; and in default thereof shall not be received in evidence.

"203. No deed or instrument whatever required to be registered as aforesaid shall be registered unless, in addition to the ordinary stamp duty, it also be impressed with, or have affixed to it, a stamp denoting a duty computed at the rate of 5*s.* upon every 100*l.*, or fraction of 100*l.*, of the sworn or certified value of the estate or effects comprised in, or to be collected or distributed under, such deed or instrument: provided that the maximum of ad valorem duty payable in respect of any such deed or instrument shall be 200*l.*

"204. Every such deed, on being so registered as aforesaid, shall have a memorandum thereof written on the face of such deed, stating the day and the hour of the day at which the same was brought into the office of the chief registrar for registration.

"205. From and after the registration of every such deed or instrument in manner aforesaid, the debtor and creditors, and trustees, parties to such deed, or who have assented thereto or are bound thereby, shall, in all matters relating to the estate and effects of such debtor, be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of

and be liable to all the provisions of this act, in the same or like manner as if the debtor had been adjudged a bankrupt, and the creditors had proved, and the trustees had been appointed creditors' assignees under such bankruptcy; and the existing or future trustees of any such deed or instrument, and the creditors under the same, shall, as between themselves respectively, and as between themselves and the debtor, and against third persons, have the same powers, rights, and remedies, with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed or may be used or exercised by assignees or creditors with respect to the bankrupt, or his acts, estate, and effects in bankruptcy; and, except where the deed shall expressly provide otherwise, the court shall determine all questions arising under the deed, according to the law and practice in bankruptcy, so far as they may be applicable, and shall have power to make and enforce all such orders as it would be authorised to do if the debtor in such deed had been adjudged bankrupt, and his estate were administered in bankruptcy.

"206. After notice of the filing and registration of such deed has been given as aforesaid, no execution, sequestration, or other process against the debtor's property in respect of any debt, and no process against his person in respect of any debt, other than such process by writ or warrant as may be had against a debtor about to depart out of England, shall be available to any creditor or claimant, without leave of the court; and a certificate of the filing and registration of such deed, under the hand of the chief registrar and the seal of the court, shall be available to the debtor for all purposes as a protection in bankruptcy.

"207. In case any petition shall be presented for an adjudication in bankruptcy against a debtor after his execution of such deed or instrument as is hereinbefore described, and pending the time allowed for the registration of such deed or instrument, all proceedings under such petition may be stayed, if the court shall think fit; and in case such deed or instrument shall be duly registered as aforesaid, the petition shall be dismissed.

"208. If a debtor cannot obtain the assent of a majority in number, including three-fourths in value, of his creditors, by reason of his being unable to ascertain by whom bills of exchange, promissory notes, or other negotiable securities accepted, drawn, made, or indorsed by him are holden, or by reason of the absence of creditors in a foreign country, or other similar circumstances, it shall be sufficient if he obtain the consent of three-fourths in number and value of all his other creditors to such deed or instrument as aforesaid; provided that in either of such cases the affidavit or certificate of the trustee or trustees shall state the circumstances of the case, and the same shall be allowed by the court; and provided the deed or instrument be in such form as is expressed in Schedule (B.) [it should be (D.)] to this act annexed, which shall vest all the estate and effects of the debtor in the trustees of such deed; and provided that all such other conditions as are hereinbefore required be duly complied with."

The following observations occur upon these clauses:—

Sect. 200. The second condition in this section assumes that a deed may be within the clause although no trustee is appointed; but the fourth condition makes it imperative that possession of the estate shall be given to the trustees. A deed providing for the winding up of the estate by the debtor under inspection would therefore be inoperative under this section; and it is scarcely necessary to observe, that it would seldom be possible to find competent trustees

who would undertake the responsibility attendant on the actual custody and administration of the estate.

Sect. 202. A deed, by which a debtor agrees with all his creditors for a composition, or for winding up under inspection, is to be inadmissible in evidence unless registered in bankruptcy within twenty-eight days, or such further time as the "chief court" shall allow. Why made inadmissible in evidence, and not void, it would be vain to ask. But it is intolerable that registration and the interference of the Court of Bankruptcy should be made the necessary incidents of an arrangement which concerns no one except the parties who enter into it, and who are competent to provide for their own protection. The words are, "his creditors," which literally import *all the creditors*; and that is the meaning attributed to the same words in the arrangement clauses of the act of 1849. But the design of the clause now under consideration seems to be to include all arrangements with creditors, whether with the whole class or with a portion of them; and if that interpretation is adopted there will be no end to the questions as to what deeds of arrangement between a debtor and two or more of his creditors must be stamped according to the value of the debtor's assets and registered in bankruptcy, in order to be admissible in evidence.

Sect. 203. It is proposed to impose on every deed of arrangement between a debtor and his creditors (or any of them?), *in addition to the ordinary stamp duty on a deed*, an ad valorem stamp duty, at the rate of 5s. per 100l. (twice the rate of a mortgage stamp), of the value of the debtor's assets. The policy of recent legislation has been to reduce the stamp duties on deeds, which are acknowledged to be a very objectionable source of revenue. It is now proposed to take a step backwards by imposing a heavy duty on insolvent estates. The duty is to be paid on "the sworn or certified value of the estate or effects," but no direction is given as to the person who is to swear to or certify the value in the case of any deed not intended to operate under the 200th section.

Sect. 205. "From and after the registration of every such deed or instrument in manner aforesaid," the debtor and the creditors bound by the deed, and the debtor's estate, shall be subject to the jurisdiction of the Court of Bankruptcy, in the same manner as if the debtor had been adjudged bankrupt and the creditors had proved (i. e. actual proof is to be dispensed with), and the trustees been appointed creditors' assignees. "Every such deed" includes all deeds within the 202nd section. So that a deed by which a debtor assigns part of his assets to trustees, in trust for part of his creditors, will operate as a bankruptcy and appointment of assignees, and deprive the entire body of his creditors of the right to vote in the choice of assignees. Moreover, every deed by which a debtor compounds with a few of his creditors will operate as an act of bankruptcy.

Further: by sects. 206 and 207, every deed of composition between a debtor and a few of his creditors, being registered, will operate as a complete protection of the debtor from process, and a bar to any proceedings for an adjudication of bankruptcy.

Lastly, a debtor may bind all his creditors residing abroad, and all the holders of his bills and notes who are unknown to him, if he obtains the consent of three-fourths in number and value of his other creditors.

We trust that the House of Lords will not allow these absurd, oppressive, and impracticable clauses to remain in the bill.

Henry W. West, Esq., of the Northern Circuit, has been appointed Attorney-General of the Duchy Court of Lancaster, in the room of the late T. F. Ellis, Esq.

## Reviews.

*The Law of Debtor and Creditor; to which is subjoined a Table of the Courts in England and Wales for the Recovery of Debts.* By CHARLES FRANCIS TROWER, Esq., of the Inner Temple, Barrister-at-Law, late Fellow of Exeter College, and Vinerian Scholar, Oxford. 1860. [V. & R. Stevens & Sons, Sweet, and Maxwell.]

THIS book is unusual in title, object, and arrangement of materials, and is one of the most courageous attempts in legal literature that has come within the range of our reading. We cannot shew this better than by the following extracts from Mr. Trower's Preface:—

"It ought not to be too ambitious an aim to offer to the public, *uno visu*, a complete treatise of the law of debtor and creditor, instead of sending them to the equity shelves of a law library to know their equitable, and to those of the common law for their legal, rights. It ought not to be an impossible task to arrange and present exhaustively all the combinations of that relation. . . . By avoiding, as far as possible, everything which is not law at the present moment, by stating the results of decisions rather than their reasons, and by aiming at condensation of expression as well as of matter, it has appeared to me not a hopeless attempt to compress a practical treatise upon the entire subject into a single volume."

Mr. Trower's aim, then, is to condense into a practical treatise of one volume the whole law affecting debtors and creditors, dealing with every kind of debt, from the simplest contract to the judgment or decree of a superior court, and with every kind of intricacy introduced by death, marriage, partnership, bankruptcy law, ecclesiastical law, joint-stock companies' law, &c.

In writing this book, the first difficulty presented to the author, a Chancery barrister, was the treatment of common-law rights and remedies practically. This difficulty Mr. Trower has grappled manfully, and in doing so has displayed an amount of knowledge which would reflect credit on a common lawyer; at the same time, the fact that the author is a Chancery barrister is very perceptible in the treatment. Thus we find an elaborate exposition of the ways in which a judgment may accrue at common law, whether by default, verdict, demurrer, or otherwise, without any corresponding discussion as to decrees in equity, his greater practical familiarity with the latter learning making him forget that a discussion as to decrees must be quite as useful to the common-law reader as one about common-law judgments to an equity barrister. For the ends of the treatise, we, in truth, do not see any necessity for the latter; but if there be any, the former is certainly equally necessary. Another indication of the training of the author is the great predominance given to the subjects of judgments and mortgages, which occupy half the book—not that they are treated at too great a length, but that other matters do not receive an equal consideration.

The next difficulty was the arrangement of the material; and so great must this have been, that we feel great diffidence in criticising the method that has been adopted by Mr. Trower. In doing so, however, we must bear in mind that the treatise is to be looked on especially as one for reference. This is not merely shewn by Mr. Trower's own Preface, but is obvious from the nature of the book—condensed, yet practical. One great essential, therefore, is, that the matter should be arranged as nearly as possible in accordance with the methods to which the Profession are accustomed—i. e. as nearly as possible in divisions corresponding to the different standard books on the

subjects involved in the work. For instance, we suggest that it would have been well to have kept the learning as to partnership together, to have similarly treated the law as to companies, and so on. We will not offer any decided opinion as to whether or not the method adopted by Mr. Trower may not be more symmetrical than the one we suggest, but we are inclined to think that the latter would have been quite as symmetrical, less involved, and more useful.

We now have to consider how far Mr. Trower has been successful in condensing the learning on so many subjects into so small a space. In this respect he has succeeded far beyond what we believed possible; in other words, his learning and judgment have enabled him to collect nearly as much valuable information on the different subjects as can be contained in so few pages, and to lose very little space. This information is also such as has never yet been collected in one treatise. This feature makes the book valuable, though, of course, a work of this size is not calculated to obviate the necessity of referring to books especially devoted to one or other of the various subjects here treated by Mr. Trower. This is no discredit to him, as it arises from the simple impossibility of putting the same information into one page as can be crammed into a score. Where he gives himself most space, there his book is most valuable. On judgments and mortgages (to which, as we have before stated, he has devoted half this volume) he has collected a quantity of valuable information; on the law of executors and administrators much is to be gathered from his book; but on the other branches, especially on the branch of simple contracts, the information is comparatively meagre, from the scanty space allotted to them.

Such a treatise as this cannot but reflect high credit on its author, both from the learning and judgment it displays, and from its great object of collecting law from both sides of Westminster Hall. We can recommend this book as containing an amount of valuable learning rarely contained in so small a space, especially on the subjects of judgments and mortgages; and we especially draw the attention of the Legal Profession to its combination of legal and equitable information.

#### TRADESMEN'S BOOKS AS EVIDENCE.

THE newspapers contain the following report of a case of *Tickner v. Arbuthnot*, tried before Erle, C. J., and a special jury, at the Kingston Assizes, which have just concluded:—

"The action was brought by Mr. Tickner, a poulterer and fishmonger at Kingston, against Mr. George Arbuthnot, a gentleman holding an appointment in the Treasury, to recover 34*l.*, the balance of an account for poultry and fish supplied to his establishment between the months of August, 1858, and October, 1860; to which the defendant pleaded that he was not indebted. Mr. Edwin James, Q. C., and Mr. Needham appeared for the plaintiff; and Mr. Hawkins, Q. C., and Mr. Sumner for the defendant. It appeared that the plaintiff had supplied articles to the family for two or three years, and a young woman named Sarah Cook, who was cook in the establishment, used to order what was required; but in August, 1858, Mr. Arbuthnot, being dissatisfied with some article that had been supplied, told the cook not to deal with Mr. Tickner any more, but to purchase what was required from another shop. Up to this time Mr. Arbuthnot had been in the habit of paying his account with Mr. Tickner regularly every quarter by a cheque; but after August, 1858, the cook received money to pay for everything that was required for the table; and this went on until October, 1860, when it was discovered that the cook had been

pilfering and embezzling money, and she was given into custody, and sentenced to imprisonment. Up to this time the defendant had not the slightest conception that his cook had been dealing with the plaintiff; but after the examination before the magistrate, and just as Mr. Arbuthnot was about to leave the court, the plaintiff handed him a sealed packet, which was found to contain a book with items of goods supplied, and a bill claiming the amount mentioned as a balance due from the defendant. Knowing that he had paid for every article that had been supplied, and that he had also positively interdicted the cook from dealing with the plaintiff, Mr. Arbuthnot resolved to resist the claim, and hence the present action. In support of the case for the plaintiff, he and his wife were examined, and they proved that the articles charged for had been supplied, and that the balance claimed remained unpaid. They at the same time, however, admitted that down to August, 1858, the accounts were paid every quarter by a cheque, and they did not deny that about this time some complaint was made by Mr. Arbuthnot through the cook; but they said they did not remember that she at the same time told them that the defendant had told her not to deal with them any more. It appeared, however, that after this, instead of the accounts being paid quarterly, as they were previously, the cook used to pay small sums, such as 1*l.*, 1*l.* 10*s.*, and 2*l.* at a time, and the result was, that at the time the cook was given into custody the balance now claimed remained due. In the course of the case the books of the plaintiff were produced, and the plaintiff admitted, that, with respect to one payment by the cook, the entry originally stood as though she was the party to whom credit was given, but that, after these proceedings commenced, he had added the words, "off Arbuthnot's account," to make it appear as though the defendant was the party to whom credit was given. The young woman Sarah Cook was called as a witness for the defendant, and she stated distinctly that in August, 1858, she told the plaintiff that she was not to deal with him any more, and that he told her there was no necessity to change, and she might continue to buy of him, and her master would know nothing about it; and at his request she consented to do so; but she said that Mr. Arbuthnot gave her the money to pay for every article that was purchased after this, and she used to pay the plaintiff small sums from time to time off his account, but Mr. Arbuthnot never knew that she was dealing with him.

"Erle, C. J., in summing up, said, that where a master allowed his servant to pledge his credit with a tradesman, that credit continued, and he would be liable to pay for all goods obtained by the servant in his name, unless he gave the tradesman specific instructions to the contrary. Very great mischief, undoubtedly, arose from the circumstance of tradesmen getting servants into their power, as was alleged had been done in the present case; and the first and most important question for the jury was, whether the cook had informed the plaintiff in August, 1858, that her master would not deal with him any longer, and that she had no authority to purchase any more articles from him; and if they believed this fact to have been established by the evidence, there was an end to the plaintiff's claim. The learned judge then referred to the facts, and said, that if it was true that the servant had told the plaintiff that she was desired not to deal with him any longer, and that he induced her to deceive her master, and continue dealing with him secretly, such an act on the part of a tradesman was most improper.

"The jury immediately returned a verdict for the defendant."

In the civil law, the law of Scotland, and in some

parts of the United States of America, entries made by a tradesman in his books are admissible evidence in his favour; and several attempts have been made to establish a like law in this country. The law of England rejects such entries, upon the well-known principle that a man shall not be allowed to manufacture evidence for himself—that his own words, writings, and acts are evidence *against*, but not evidence *for*, him. The morality of the trading community among us is unhappily not so high at the present moment as to render it a fit one for conferring on tradesmen the power of constituting any man they please their debtor by merely making an entry to that effect in a book behind his back; and the above case of *Tickner v. Arbutnot* affords an illustration of the consequences that might be expected from the proposed alteration in the law. Suppose the entry, "off Arbutnot's account," had been received as evidence against the defendant, and that the plaintiff had not broken down on cross-examination, as he appears to have done, what must have been the result to the defendant? And the mischief to him would be still more certain if the plaintiff had died, and the action were brought by a personal representative, who knew nothing about the circumstances connected with the entry.

### FEEES IN REGISTRIES OF COURT OF PROBATE.

(From the London Gazette, April 19).

By virtue and in pursuance of the provisions of the stat. 20 & 21 Vict. c. 77, I, the Right Hon. Sir Cresswell Cresswell, Knt., Judge of the Court of Probate, with the concurrence of the Right Hon. John Lord Campbell, Lord High Chancellor of Great Britain, and of the Right Hon. Sir Alexander James Edmund Cockburn, Bart., Lord Chief Justice of the Court of Queen's Bench, and with the approval of the Commissioners of her Majesty's Treasury, signified to me by letter dated the 13th April, 1861, do hereby fix the annexed additional table of fees to be taken on and after the 1st May, 1861, by the officers of the Court of Probate, in the principal registry thereof.

(Signed) CAMPBELL, C.  
A. E. COCKBURN.  
C. CRESSWELL.

Dated 16th April, 1861.

#### ADDITIONAL TABLE OF FEES

To be taken in the Principal Registry of the Court of Probate.

For perusing and settling oaths to lead special or limited grants of probate or letters of administration, with or without will, citations, or other instruments, per folio of seventy-two words .. £0 0 3  
For postponement of appointment for taxation of costs, to be paid by the party at whose instance the appointment is postponed—

If the bill of costs is five folios of seventy-two words or under .. .. 0 1 0

If exceeding five folios of seventy-two words, and under fifteen folios .. .. 0 2 6

If exceeding fifteen folios .. .. 0 5 0

By virtue and in pursuance of the provisions of the stat. 20 & 21 Vict. c. 77, I, the Right Hon. Sir Cresswell Cresswell, Knt., Judge of the Court of Probate, with the concurrence of the Right Hon. John Lord Campbell, Lord High Chancellor of Great Britain, and of the Right Hon. Sir Alexander James Edmund Cockburn, Bart., Lord Chief Justice of the Court of Queen's Bench, and with the approval of the Commissioners of her Majesty's Treasury, signified to me by letter dated the 13th April, 1861, do hereby fix the annexed tables of fees to be taken on and after the 1st May, 1861, by

the district registrars in the district registries attached to the said court.

(Signed) CAMPBELL, C.  
A. E. COCKBURN.  
C. CRESSWELL.

Dated 16th April, 1861.

#### FEES TO BE TAKEN IN THE DISTRICT REGISTRIES OF THE COURT OF PROBATE.

All fees heretofore authorised to be taken by the district registrars of the Court of Probate, and which have been applied to their own use, are, on and after the 1st May, 1861, to be collected in stamps, according to the regulations prescribed by the Commissioners of her Majesty's Treasury.

#### FEES TO BE TAKEN IN THE DISTRICT REGISTRIES OF THE COURT OF PROBATE

When Applications are made by Parties in Person, and not through a Proctor, Solicitor, or Attorney, in addition to the Ordinary Fees.

On Probates or Letters of Administration with the Will annexed.

Effects sworn under.	Preparing Oath of Executors.	Preparing Affidavit for the Inland Revenue Office.	Probate under Seal.	Clerk, Letters, &c.
£	£ s. d.	£ s. d.	£ s. d.	£ s. d.
5	0 2 6	0 2 6	0 1 0	—
20	0 2 6	0 2 6	0 1 0	0 1 0
100	0 5 0	0 5 0	0 1 0	0 2 0
200	0 5 0	0 5 0	0 2 0	0 2 0
300	0 5 0	0 5 0	0 5 0	0 2 0
450	0 5 0	0 5 0	0 8 0	0 2 0
600	0 5 0	0 5 0	0 11 0	0 2 0
800	0 5 0	0 5 0	0 15 0	0 2 0
1000	0 5 0	0 5 0	1 2 0	0 2 0
1500	0 5 0	0 5 0	1 10 0	0 5 0
2000	0 5 0	0 5 0	2 0 0	0 5 0
3000	0 5 0	0 5 0	2 10 0	0 5 0
4000	0 5 0	0 5 0	3 0 0	0 5 0
5000	0 5 0	0 5 0	3 2 6	0 7 6
6000	0 5 0	0 5 0	3 5 0	0 7 6
7000	0 5 0	0 5 0	3 7 6	0 7 6
8000	0 5 0	0 5 0	3 10 0	0 7 6
9000	0 5 0	0 5 0	3 12 6	0 7 6
10,000	0 5 0	0 5 0	3 15 0	0 7 6
12,000	0 5 0	0 5 0	3 17 6	0 7 6
14,000	0 5 0	0 5 0	4 0 0	0 7 6
16,000	0 5 0	0 5 0	4 3 9	0 7 6
18,000	0 5 0	0 5 0	4 7 6	0 7 6
20,000	0 5 0	0 5 0	4 11 3	0 7 6
25,000	0 5 0	0 5 0	4 16 3	0 7 6
30,000	0 5 0	0 5 0	5 2 6	0 7 6
35,000	0 5 0	0 5 0	5 8 9	0 7 6
40,000	0 5 0	0 5 0	5 16 3	0 7 6
45,000	0 5 0	0 5 0	6 7 6	0 7 6
50,000	0 5 0	0 5 0	6 17 0	0 7 6
60,000	0 5 0	0 5 0	7 6 3	0 7 6
70,000	0 5 0	0 5 0	8 5 0	0 7 6
80,000	0 5 0	0 5 0	9 9 9	1 1 0
90,000	0 5 0	0 5 0	10 2 6	1 1 0
100,000	0 5 0	0 5 0	11 1 3	1 1 0
120,000	0 5 0	0 5 0	11 10 9	1 1 0
140,000	0 5 0	0 5 0	12 9 6	1 1 0
160,000	0 5 0	0 5 0	13 8 3	1 1 0
180,000	0 5 0	0 5 0	14 7 0	1 1 0
200,000	0 5 0	0 5 0	15 5 9	1 1 0
250,000	0 5 0	0 5 0	16 4 6	1 1 0
300,000	0 5 0	0 5 0	18 11 3	1 1 0
350,000	0 5 0	0 5 0	20 18 3	1 1 0
400,000	0 5 0	0 5 0	21 13 9	1 1 0
500,000	0 5 0	0 5 0	22 9 6	1 1 0
600,000	0 5 0	0 5 0	24 0 9	1 1 0
700,000	0 5 0	0 5 0	25 12 0	1 1 0
800,000	0 5 0	0 5 0	27 3 3	1 1 0
900,000	0 5 0	0 5 0	28 14 6	1 1 0
1,000,000	0 5 0	0 5 0	30 5 9	1 1 0

For every additional 100,000*l.*, or any fractional part of 100,000*l.*, under which the effects are sworn, in addition to the above fees, 1*l.* 1*s.* 3*d.*

For ingrossing the will, if three folios of ninety words or under, including parchment .. .. £0 4 6  
If exceeding three folios, per folio .. .. 0 1 6

**Fees on Letters of Administration with Will annexed.**

In addition to the above fees for preparing the bond, if the effects are

5*l.*, and under 20*l.* .. .. £0 1 0  
20*l.*, and under 100*l.* .. .. 0 1 6  
100*l.* and upwards .. .. 0 2 6

**On Letters of Administration.**

Effects sworn under.	Preparing Oath of Administrator and Bond.	Preparing Affidavit for the Inland Revenue.	Letters of Administration under Seal.	Clerks, Letters, &c.
£	£ s. d.	£ s. d.	£ s. d.	£ s. d.
5	0 2 6	0 2 6	0 1 0	—
20	0 3 6	0 2 6	0 1 0	0 1 0
50	0 5 0	0 3 0	0 1 0	0 2 0
100	0 6 6	0 5 0	0 1 0	0 2 0
200	0 7 6	0 5 0	0 3 0	0 2 0
300	0 7 6	0 5 0	0 8 0	0 2 0
450	0 7 6	0 5 0	0 11 0	0 2 0
600	0 7 6	0 5 0	0 15 0	0 2 0
800	0 7 6	0 5 0	1 2 0	0 2 0
1000	0 7 6	0 5 0	1 10 0	0 5 0
1500	0 7 6	0 5 0	2 5 0	0 5 0
2000	0 7 6	0 5 0	3 0 0	0 5 0
3000	0 7 6	0 5 0	3 1 10	0 7 6
4000	0 7 6	0 5 0	3 3 9	0 7 6
5000	0 7 6	0 5 0	3 7 6	0 7 6
6000	0 7 6	0 5 0	3 11 3	0 7 6
7000	0 7 6	0 5 0	3 15 0	0 7 6
8000	0 7 6	0 5 0	3 18 9	0 7 6
9000	0 7 6	0 5 0	4 2 6	0 7 6
10,000	0 7 6	0 5 0	4 6 3	0 7 6
12,000	0 7 6	0 5 0	4 10 0	0 7 6
14,000	0 7 6	0 5 0	4 13 9	0 7 6
16,000	0 7 6	0 5 0	4 19 6	0 7 6
18,000	0 7 6	0 5 0	5 5 0	0 7 6
20,000	0 7 6	0 5 0	5 10 9	0 7 6
25,000	0 7 6	0 5 0	5 18 3	0 7 6
30,000	0 7 6	0 5 0	6 7 6	0 7 6
35,000	0 7 6	0 5 0	6 17 0	0 7 6
40,000	0 7 6	0 5 0	7 10 9	0 7 6
45,000	0 7 6	0 5 0	8 5 0	0 7 6
50,000	0 7 6	0 5 0	8 18 9	0 7 6
60,000	0 7 6	0 5 0	9 13 3	0 7 6
70,000	0 7 6	0 5 0	11 1 3	0 7 6
80,000	0 7 6	0 5 0	12 9 6	1 1 0
90,000	0 7 6	0 5 0	13 17 6	1 1 0
100,000	0 7 6	0 5 0	15 5 9	1 1 0
120,000	0 7 6	0 5 0	15 19 9	1 1 0
140,000	0 7 6	0 5 0	17 8 0	1 1 0
160,000	0 7 6	0 5 0	18 16 3	1 1 0
180,000	0 7 6	0 5 0	20 4 0	1 1 0
200,000	0 7 6	0 5 0	21 12 6	1 1 0
250,000	0 7 6	0 5 0	23 0 3	1 1 0
300,000	0 7 6	0 5 0	24 9 9	1 1 0
350,000	0 7 6	0 5 0	25 7 3	1 1 0
400,000	0 7 6	0 5 0	26 10 6	1 1 0
500,000	0 7 6	0 5 0	27 14 0	1 1 0
600,000	0 7 6	0 5 0	30 10 0	1 1 0
700,000	0 7 6	0 5 0	32 7 9	1 1 0
800,000	0 7 6	0 5 0	34 12 9	1 1 0
900,000	0 7 6	0 5 0	37 1 6	1 1 0
1,000,000	0 7 6	0 5 0	39 8 6	1 1 0

For every additional 100,000*l.*, or any fractional part of 100,000*l.*, under which the effects are sworn, in addition to the above fees, 2*s.* 7*d.*

**On Double or Cessate Probates.**

If the Effects are sworn under	Looking-up and taking an Account of each former Grant.	Oath of the Executor.	Affidavit for Inland Revenue Office.	Double Probate under Seal.	Clerks, Letters, &c.
£	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
5	0 2 6	0 2 6	0 2 6	0 1 0	—
20	0 2 6	0 2 6	0 2 6	0 1 0	0 1 0
100	0 5 0	0 5 0	0 5 0	0 1 0	0 2 0
200	0 5 0	0 6 6	0 5 0	0 3 0	0 2 0
300	0 5 0	0 6 6	0 5 0	0 7 6	0 2 0
450	0 5 0	0 6 6	0 5 0	0 12 0	0 2 0
600	0 5 0	0 6 6	0 5 0	0 12 6	0 2 0
800	0 5 0	0 6 6	0 5 0	0 12 6	0 2 0
1000	0 5 0	0 6 6	0 5 0	0 12 6	0 2 0
1500	0 5 0	0 6 6	0 5 0	0 12 6	0 5 0
2000	0 5 0	0 6 6	0 5 0	0 12 6	0 5 0
3000	0 5 0	0 6 6	0 5 0	0 12 6	0 5 0
4000	0 5 0	0 6 6	0 5 0	0 12 6	0 5 0
5000	0 5 0	0 6 6	0 5 0	0 12 6	0 7 6

Above 5000*l.* the fees to be taken are the same as above, except the fee for clerks, letters, &c., which, if the effects are of the value of 70,000*l.* or upwards, is 1*l.* 1*s.*

**On Exemplification of Probate or Letters of Administration with or without a Will annexed.**

Looking up the grant of probate and original will, or grant of administration .. .. £0 5 0  
Exemplification under seal, in addition to the stamp .. .. 1 1 0  
Clerks, letters, &c. .. .. 0 2 6

**On Duplicate and Triplicate Probates or Letters of Administration with or without Will annexed.**

Looking up the will .. .. £0 5 0  
Duplicate or triplicate probate or letters of administration with or without the will annexed, if the personal estate is sworn under 450*l.*, or any smaller sum, the same fees as on the original grant.  
If the personal estate is of the value of 450*l.* and upwards .. .. 0 12 6  
Clerks, letters, &c. .. .. 0 2 6

**On Letters of Administration with or without Will annexed, de bonis non or cessate.**

If the Effects are sworn under	Looking-up and taking an Account of each former Grant.	Oath of the Administrator and Bond.	Affidavit for Inland Revenue Office.	De bonis Administration under Seal, and duty-paid Stamp.	Clerks, Letters, &c.
£	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
5	0 2 6	0 2 6	0 2 6	0 1 0	—
20	0 2 6	0 4 0	0 2 6	0 1 0	0 1 0
50	0 3 6	0 6 0	0 3 0	0 1 6	0 2 0
100	0 5 0	0 7 6	0 5 0	0 3 0	0 2 0
200	0 5 0	0 10 0	0 5 0	0 4 6	0 2 0
300	0 5 0	0 10 0	0 5 0	0 12 0	0 2 0
450	0 5 0	0 10 0	0 5 0	0 12 6	0 2 0

Above 450*l.* the fees to be taken are the same as above, except the fee for clerks, letters, &c., which, if the effects are 600*l.* and upwards, is 5*s.*



*On Probates, special or limited.*

Instructions .. .. .	£0	5	0
Perusing and abstracting deeds or other instruments, when necessary, at per folio of seventy-two words .. .. .	0	0	3
Affidavit for Inland Revenue Office—The same fees as on other probates.			
Drawing special oath of executor, per folio of seventy-two words .. .. .	0	1	0
Engrossing and collating the will—The same fees as on other probates.			
Special or limited probate under seal—The same fees as on other probates.			
Clerks, letters, &c.—The same fees as on other probates.			

*Letters of Administration with or without Will annexed, special or limited.*

Instructions .. .. .	£0	5	0
Perusing and abstracting deeds or other instruments, when necessary, at per folio of seventy-two words .. .. .	0	0	3
Drawing proxy of nomination, at per folio of seventy-two words .. .. .	0	1	0
Affidavit for Inland Revenue Office—The same fees as on other letters of administration.			
Drawing special oath of administrator, per folio of seventy-two words .. .. .	0	1	0
Engrossing and collating the will—The same fees as on other letters of administration with will annexed.			
Letters of administration under seal and stamp—The same fees as on other letters of administration with or without will annexed.			
Clerks, letters, &c.—The same fees as on other letters of administration with or without will annexed.			

*Affidavits other than the Affidavits and Oaths included in the Fees of Probate and Letters of Administration and Declarations of Personal Estate and Effects.*

Instructions for every such affidavit or declaration of personal estate and effects .. .. .	£0	5	0
For drawing the same, per folio of seventy-two words .. .. .	0	1	0

*Instruments of Renunciation and Consent, Letters of Attorney, and other Documents prepared in the Registry.*

For drawing the same, per folio of seventy-two words .. .. .	£0	1	0
Perusing and settling oaths and other instruments not drawn in the registry, per folio of seventy-two words .. .. .	0	0	3
Copies of all oaths, affidavits, declarations, instruments of renunciation and consent, letters of attorney, and other documents prepared in the registry, when required, at per folio of seventy-two words .. .. .	0	0	6

John Locke, Esq., Q. C., M. P., has been appointed Recorder of Brighton, in the room of Edwin James, Esq., Q. C., resigned.

COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery in England:—William Lloyd Hughes, of Holyhead, Anglesea; and Cornelius Thomas Saunders, of Birmingham.

*Edw. Goldschmidt and Hermann Boas*, Nottingham, wholesale stationers, May 28 at half-past 11, Nottingham.—*Edw. Lightfoot*, Nantwich, Cheshire, confectioner, May 18 at 11, Liverpool.—*John Carlyle*, Liverpool, woollendrapery, May 14 at 11, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*George Wigglesworth*, Richardson-street, Bermondsey, Surrey, leather dresser.—*John Davis Gotch* and *Thomas Henry Gotch*, Kettering and Rowell, Northamptonshire, and Long-acre, Middlesex, bankers.—*John Alexander Pouteau*, Pond-street, Hampstead, and late of Southampton-street, Strand, Middlesex, printer.—*Thomas Francis*, Cross-road, Islington, Middlesex, plasterer.—*William Fabian*, Wall-end-wharf, Rosemary-branch-bridge, Hoxton, Middlesex, coal merchant.—*Eugene Keith*, Hamilton-terrace, Queen's-road, Bayswater, Middlesex, builder.—*William Grove*, Spread-eagle-tavern, Kingsland-road, victualler.—*Joseph Agate*, Emsworth, Hampshire, grocer.—*William George Foster*, Portsmouth, Hampshire, corn merchant.—*Edwin Phillips*, Pontypool, Monmouthshire, boot maker.—*Arthur Bellairs Harries* and *Walford Arbanin Harries*, Pembroke Dock, Pembrokeshire, timber merchants.—*Walter Elliott*, Beaminster, Dorsetshire, grocer.—*Thomas Philip Ponton*, Wrexham, Denbighshire, grocer.—*Daniel Jones*, Wrexham, Denbighshire, ironmonger.—*Matthias Wood*, Barnsley, Yorkshire, plumber.—*Alexander Barker*, Bileston, Staffordshire, tin-plate worker.—*George Wilson Ward*, Worcester, publican.—*William Charles Foulkes*, Birmingham, draper.—*James Smith*, New Lenton, Nottinghamshire, lace manufacturer.—*William Wilson*, Birmingham, paint manufacturer.—*Louisa Windle* and *Margaret Canning*, Leicester, Warwickshire, milliners.—*William Gibson*, Castle Donington, Leicestershire, draper.—*Joseph Adams*, Nottingham, builder.—*Henry Watson*, Longford, Derbyshire, miller.—*Thomas Broughton Howson*, Oxford, chemist.

## SCOTCH SEQUESTRATIONS.

*John & John Ferguson*, Glasgow, cartoon manufacturers.—*John Mackenzie*, Elgin, house carpenter.—*James Russell*, Glasgow, builder.

## TUESDAY, April 23.

## BANKRUPTS.

**GEORGE TRICKETT**, Great Winchester-street, City, metal merchant, May 2 and June 4 at 11, London: Off. Ass. Johnson; Sols. Sewell & Co., Gresham-house, Old Broad-street.—Pet. f. April 19.

**JOHN NEECH**, Aylsham, Norfolk, miller, May 3 at 1, and June 4 at half-past 12, London: Off. Ass. Bell; Sol. Treherne, 17, Gresham-street.—Pet. f. April 22.

**DAVID HENRY DOUST**, Pomeroy-place, Pomeroy-street, New Cross, Surrey, omnibus proprietor, May 3 at half-past 11, and June 4 at 12, London: Off. Ass. Bell; Sols. Sole & Co., Aldermanbury.—Pet. f. April 22.

**HENRY JAMES NORFOLK**, Great Yarmouth, Norfolk, builder, May 3 at 12, and June 7 at 11, London: Off. Ass. Cannan; Sols. Chamberlain, Great Yarmouth; Storey, & King's-road, Bedford-row.—Pet. f. April 20.

**WILLIAM DUDLEY**, Metropolitan Market, Islington, Middlesex, licensed victualler, May 3 at 2, and June 7 at 1, London: Off. Ass. Whitmore; Sols. Lawrence & Co., 12, Bread-street, Cheap-side; Hammond, 16, Farnival-inn, Holborn.—Pet. f. April 20.

**RICHARD BULLAMORE**, Peterborough, Northamptonshire, baker, May 10 at half-past 11, and June 7 at 12, London: Off. Ass. Cannan; Sols. Deacon & Taylor, Peterborough, and 14, King-street, Finsbury-square.—Pet. f. April 15.

**JAMES ANDREWS**, Desborough-place, Harrow-road, Paddington, Middlesex, butcher, May 7 at 1, and May 29 at 12, London: Off. Ass. Graham; Sols. Stophor, 36, Coleman-street, City; Becke, Northampton.—Pet. f. April 11.

**FRANCIS TREMLETT**, Upton Hellons, Devonshire, miller, May 8 and 29 at 12, Exeter: Off. Ass. Hirtzel; Sols. Langdon, Crediton; Fryer, Exeter.—Pet. f. April 22.

**GEORGE HAMILTON KIRKPATRICK**, Liverpool, draper, May 3 and 27 at 11, Liverpool: Off. Ass. Turner; Sol. Husband, Liverpool.—Pet. f. April 20.

**THOMAS HUGHES**, Digbeth, Walsall, Staffordshire, licensed victualler, May 6 and 29 at 11, Birmingham: Off. Ass. Whitmore; Sols. R. & H. Wright, Birmingham.—Pet. d. April 20.

**SAMUEL BILL**, Hanley, Stoke-upon-Trent, Staffordshire, furniture dealer, May 3 and 24 at 11, Birmingham: Off. Ass. Whitmore; Sols. Sale & Co., Manchester; Hodgson & Allen, Birmingham.—Pet. d. April 17.

**ABRAHAM MOORE**, Wednesbury, Staffordshire, chemist, May 6 and June 3 at 11, Birmingham: Off. Ass. Kinnear; Sols. Whitehouse, Wolverhampton; James & Knight, Birmingham.—Pet. d. April 15.

**SAMUEL WESLEY HANDY WADE**, Leeds, Yorkshire, wine merchant, May 6 and June 10 at 11, Leeds: Off. Ass. Hope; Sols. Neal & Martin, Liverpool; Cariss & Cudworth, Leeds.—Pet. f. April 4.

**WILLIAM BLAGG**, Bakewell, Derbyshire, baker, May 4 and June 15 at 10, Sheffield: Off. Ass. Brewin; Sols. Allenby, Birmingham; Bond & Barwick, Leeds.—Pet. d. and f. April 16.

**SAMUEL SHEPLEY**, Chesterfield, Derbyshire, chemist, May 4 and June 15 at 10, Sheffield: Off. Ass. Brewin; Sols. Clayton, Chesterfield; Smith & Burdekin, Sheffield.—Pet. d. and f. April 11.

**GERARD GANDY**, Leeswood, near Mold, Flintshire, ironmaster, May 7 and 29 at 11, Liverpool: Off. Ass. Turner; Sols. Bagshaw & Son, Manchester; Fletcher & Hull, Liverpool.—Pet. f. April 8.

**THOMAS OWENS**, Holyhead, Anglesey, baker, May 7 and 29 at 1, Liverpool: Off. Ass. Morgan; Sol. Eyton, Flint.—Pet. f. April 21.

**THOMAS SWIFT** and **ROBERT WIGFALL**, Manchester, coal merchants (trading under the style or firm of Thomas Swift & Co), May 3 and 31 at 12, Manchester: Off. Ass. Fraser; Sols. Cobbett & Wheeler, Manchester.—Pet. f. April 11.

**GEORGE HICKES**, Portwood, Stockport, Cheshire, cotton manufacturer, May 10 and 31 at 12, Manchester: Off. Ass. Hernaman; Sol. Atherton, Manchester.—Pet. f. April 19.

#### MEETINGS.

*Thomas Spicer*, Little Britain, City, colourman, April 30 at half-past 12, London, last ex.—*John Brookbank*, King-street, Clerkenwell, Middlesex, brush-board cutter, May 9 at 12, London, aud. ac.; May 16 at half-past 11, div.—*George Butler*, Prior-place, East-street, Old Kent-road, Surrey, shoe manufacturer, May 3 at 11, London, aud. ac.—*John Augustus Gustavus Smith*, Basinghall-street, City, auctioneer, May 8 at 11, London, aud. ac.—*Edward Rowland*, Coleman-street, New North-road, Middlesex, builder, May 6 at 11, London, aud. ac.—*James White*, Cheddington, Kent, miller, May 6 at 11, London, aud. ac.—*John Lyall*, Regent-square, Middlesex, out of business, May 6 at 11, London, aud. ac.—*Judah Costa* and *Charles Davis*, Minories, Middlesex, foreign importers, May 6 at 11, London, aud. ac.—*R. Scriven*, Glastonbury, Somersetshire, tallow chandler, May 24 at 11, Bristol, aud. ac.—*Joseph William Hall*, Cardiff, Glamorganshire, dealer in agricultural implements, May 17 at 11, Bristol, aud. ac., and first and fin. div.—*S. Sprod*, Bristol, cabinet maker, May 10 at 11, Bristol, aud. ac.—*P. Sherratt*, Macclesfield, Cheshire, silk manufacturer, May 14 at 12, Manchester, aud. ac.; May 16 at 12, div.—*G. Kelland the younger*, Lancaster, grocer, May 7 at 12, Manchester, aud. ac.; May 14 at 12, div.—*George Warburton* and *John Ormesher*, Manchester, silk brokers, May 7 at 12, Manchester, aud. ac.—*Joseph Allcock the younger*, Ilford, Essex, miller, May 16 at 11, London, div.—*George Nash*, Leighton Buzzard, Bedfordshire, bricklayer, May 15 at 1, London, div.—*Richard C. T. Baylis*, Lillypot-lane and Jewin-street, City, shoe mercer, May 15 at half-past 12, London, div.—*John Wyatt*, Chipping Campden, Gloucestershire, licensed victualler, May 16 at 11, Bristol, fin. div.—*Joseph D. Brooming*, Bristol, cabinet maker, May 17 at 11, Bristol, fin. div.—*W. Williams*, Pentwyn Golynos and Pontnewydd, Monmouthshire, iron manufacturer, May 17 at 11, Bristol, fin. div.—*Joseph Stoddart*, North Leach, Gloucestershire, draper, May 24 at 11, Bristol, first and fin. div.—*Samuel Young*, Birmingham, licensed victualler, May 23 at 11, Birmingham, div.—*James Ormesher* and *Wm. Ormesher*, Manchester and Blackley, Lancashire, silk manufacturers, May 15 at 12, Manchester, div. joint est.; May 17 at 12, div. sep. ests.—*E.*

*Pringle*, Southport, Lancashire, shipowner, May 17 at 11, Liverpool, div.—*Wm. Dalgleish*, Liverpool, spirit merchant, May 14 at 11, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Jacob Schenck*, Old Broad-street, City, merchant, May 21 at 12, London.—*F. Dimsdale*, King's Arms-yard, Coleman-street, City, dealer in iron, May 15 at 2, London.—*Henry Osmond*, Sturminster, Newton Castle, Dorsetshire, general dealer, May 14 at 12, London.—*F. C. J. Demoor*, Northampton, beerseller, May 15 at 1, London.—*J. Bridger*, Deptford, Kent, grocer, May 15 at half-past 12, London.—*Alfred Sheen* and *Archibald Freeman*, Old Broad-street, City, timber brokers, May 15 at 2, London.—*Peter Sherratt*, Macclesfield, Cheshire, silk manufacturer, May 16 at 12, Manchester.—*Harry Rawson*, Manchester, stationer, May 16 at 12, Manchester.—*Charles Wise*, Liverpool, slate merchant, May 14 at 12, Liverpool.—*Thomas Pugh Jones*, Toxteth-park, near Liverpool, and Liverpool, shoe manufacturer, May 17 at 12, Liverpool.—*Simon J. Rosenthal* and *Henry S. Rosenthal*, Liverpool, billiard table proprietors, May 14 at half-past 11, Liverpool.—*Edwin Ingram*, Bilston, Staffordshire, grocer, May 24 at 11, Birmingham.—*Martha Roby*, Leamington, Warwickshire, sauce manufacturer, May 27 at 11, Birmingham.—*James Heck*, Lincoln, butcher, June 19 at 12, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*John Hall*, Purfleet Wharf, Camden-town, Middlesex, wharfinger.—*Henry A. T. Fowler*, Francis E. T. Fowler, Joseph Stubbs, and Wm. G. Dunt, Exeter-street, Strand, Middlesex, newspaper proprietors.—*Matthew Hutchinson*, Mark-lane, City, and Blackheath, Kent, hemp dealer.—*H. Boughen*, Norwich, chemist.—*John Cooper*, Berners-street, Oxford-street, Middlesex, pianoforte maker.—*G. C. Moulton*, Gresham-street, City, dealer in India rubber.—*Henry R. Palmer*, King's-cottages, Hornsey-road, Islington, Middlesex, porkman.—*John Faulkner*, Commercial-road, Middlesex, cab proprietor.—*John Beck Mister*, Norman's-buildings, St. Luke's, Middlesex, dyer.—*Edward Turnbull*, West Hartlepool, Durham, shipowner.—*John Strachan*, Newcastle-upon-Tyne, common brewer.—*Edward Flower*, Liverpool, silversmith.—*Wm. Fowler* and *Thomas Sanderson*, Liverpool, shipbrokers.—*Samuel Wm. Lavender*, Liverpool, merchant.—*Jacob Hunt*, Stockport, Cheshire, cotton manufacturer.—*William M'Leod*, Kingston-upon-Hull, joiner.—*J. W. Clappison*, Kingston-upon-Hull, watchmaker.—*George Pacey*, Birmingham and Edgbaston, Warwickshire, general factor.—*Edward F. Cook* and *Richard F. Woodward*, Birmingham, iron stampers.—*Richard Farrall*, Kidsgrove, Staffordshire, grocer.—*Samuel Young*, Birmingham, licensed victualler.—*George K. Paling*, Wolverhampton, Staffordshire, draper.—*Edwin Booth*, Prior's Lee, near Shiffnal, Shropshire, maltster.—*Mary Wood*, Burntwood, Staffordshire, innkeeper.—*Thomas Dallow* and *Henry Biggs*, Wolverhampton, Staffordshire, tin-plate workers.—*John Bent* the younger, Dudley, Worcestershire, grocer.

#### PARTNERSHIP DISSOLVED.

*Samuel Smith* and *Samuel Pearman Smith*, Walsall, Staffordshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Robert B. Watson*, Dunfermline, glass merchant.—*Rev. Charles Stuart Maclean*, Dun, minister.—*James Duncan*, Dundee, watchmaker.—*Alexander Finlayson*, Pollokshaws, grocer.—*Margaret Allan*, Holylee, near Innerleithen.

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# The Jurist

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## GAZETTES.—FRIDAY, April 26.

## BANKRUPTS.

- PHILIP HAYNES**, James-street, Old Bethnal-green-road, Middlesex, silk manufacturer, May 9 at 1, and June 13 at 12, London: Off. Ass. Johnson; Sols. May & Son, 2, Princes-street, Spitalfields.—Pet. f. April 24.
- JAMES GODDARD**, Earl Soham, near Framlingham, Suffolk, draper, May 8 at half-past 2, and June 5 at 12, London: Off. Ass. Graham; Sols. Mason & Co., 7, Gresham-street, London.—Pet. f. April 19.
- THOMAS MOTT**, Salisbury, Wiltshire, cabinet maker, May 8 at half-past 1, and June 5 at 1, London: Off. Ass. Stansfeld; Sols. Cobb & Smith, Salisbury; Veening & Co., 9, Tokenhouse-yard, London.—Pet. f. April 24.
- WILLIAM CLARK** the younger, Southwark-bridge-road, Southwark, and Rockingham-row, New Kent-road, Surrey, timber merchant, May 8 at 2, and June 5 at half-past 1, London: Off. Ass. Graham; Sol. Wright, 123, Chancery-lane, London.—Pet. f. April 24.
- FREDERICK SANDERSON**, late of Dublin, Ireland, but now of Tottenham-street, Fitzroy-square, Middlesex, coach-maker, May 7 at 12, and June 5 at half-past 2, London: Off. Ass. Stansfeld; Sol. Watson, 18, Cannon-street, London.—Pet. f. April 17.
- PETER BATES**, Croydon, Surrey, draper, May 6 at half-past 12, and June 10 at 12, London: Off. Ass. Pennell; Sol. Jones, 15, Sise-lane, London.—Pet. f. April 20.
- JOHN JUCKES** the younger, Standard Factory, Wharf-road, City-road, Middlesex, manufacturer of patent furnaces, May 8 at 1, and June 17 at 12, London: Off. Ass. Pennell; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. April 25.
- FREDERICK ELLYETT**, Portsea, Hampshire, hatter, May 7 and June 11 at 12, London: Off. Ass. Edwards; Sols. Marshall, Portsea; Harrison & Lewis, 6, Old Jewry, London.—Pet. f. April 19.
- JOSEPH TAYLOR BALLARD**, Leicester, draper, May 7 at 1, and June 11 at 12, London: Off. Ass. Edwards; Sol. Jones, 15, Sise-lane, Bucklersbury, London.—Pet. f. April 10.
- WILLIAM SMITH BARTLETT**, Oldbury, Worcestershire, grocer, May 9 and 30 at 11, Birmingham: Off. Ass. Whitmore; Sols. Plunkett & Shakespeare, West Bromwich; James & Knight, Birmingham.—Pet. d. April 22.
- JOHN TONKS**, Birmingham, victualler, May 9 and 30 at 11, Birmingham: Off. Ass. Kinnear; Sol. Suckling, Birmingham.—Pet. d. April 18.
- THOMAS PEXTON PETERSON**, Bristol, late of Down-end, Gloucestershire, scrivener, May 6 and June 10 at 11, Bristol: Off. Ass. Acraman; Sol. Harris, Bristol.—Pet. f. April 22.
- WILLIAM GIBSON**, Leeds, Yorkshire, provision merchant, May 10 and June 7 at 11, Leeds: Off. Ass. Young; Sols. G. & W. Emsley, Leeds.—Pet. d. and f. April 24.
- SAMUEL GOOSEMAN**, White Hart Hotel, Great Grimsby, Lincolnshire, innkeeper, May 8 and June 5 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Grange, Great Grimsby.—Pet. d. April 24.
- JOSEPH ALLEN**, Irwell Foundry, Radcliffe-bridge, Lancashire, smallware manufacturer, May 10 and June 4 at 12, Manchester: Off. Ass. Hernaman; Sol. Storer, Manchester.—Pet. f. April 18.

## MEETINGS.

*Henry Osmond*, Sturminster, Newton Castle, Dorsetshire, general dealer, May 8 at 1, London, pr. d.—*William Pearson*, East Bergholt, Suffolk, market gardener, May 6 at 1, London, pr. d.—*Francis Stevens* and *George Abbott*, Earl's Barton, Northamptonshire, curriers, May 21 at half-past 1, London, last ex.—*Charles Henry Charlton*, Garden-court, Temple, Middlesex, solicitor, May 9 at 1, London, last ex.—*Francis Lock*, West Bowes Mills, Bridgewater, Somersetshire, miller, May 22 at 12, Exeter, last ex.—*John Yoxley*, Providence-yard, Vauxhall-bridge-road, Westminster, Middlesex, farrier, May 9 at 11, London, aud. ac.—*William Goulding*, Upwell, Norfolk, grocer, May 7 at half-past 11, London, and ac.—*Charles Heath*, Southampton, coffee-house keeper, May 8 at half-past 12, London, aud. ac.—*Henry Sylvester Rogers*,

Strand, and Halywell House, Haverstock-hill, Middlesex, importer of foreign goods, May 9 at 11, London, aud. ac.—*William Hills*, Sandgate, Kent, draper, May 9 at 11, London, aud. ac.—*Robert Smith*, Harmood-place, Hampstead-road, builder, May 8 at 11, London, aud. ac.—*Joshua Le Mare* and *William Close Currie*, Broad-street-buildings, City, commission agents, May 8 at 11, London, aud. ac.—*Anna Maria Owen*, New Bond-street, Middlesex, dealer in china, May 8 at 11, London, aud. ac.—*Charles Thomas Board*, Nelson-square, Blackfriars-road, Surrey, out of business, May 8 at 11, London, aud. ac.—*Gustave John Parry*, Brabant-court, Philpot-lane, City, merchant, May 6 at 11, London, aud. ac.—*Thomas George Tomkins*, Strand, Middlesex, bookseller, May 8 at 11, London, aud. ac.—*George Harjette*, Weaver-street, Bethnal-green, Middlesex, skein-silk dyer, May 14 at 12 London, aud. ac.—*Edmond Wetherstone*, Cheltenham, Gloucestershire, plumber, May 16 at 11, Bristol, aud. ac.—*John Matthews*, Newent, Gloucestershire, haulier and farmer, May 17 at 11, Bristol, aud. ac.—*Thomas Williams*, Newport, Monmouthshire, printer, May 16 at 11, Bristol, aud. ac.—*Thomas Pugh Jones*, Toxteth-park, near Liverpool, shoe manufacturer, May 17 at 12, Liverpool, aud. ac.—*John Parker Hall*, Liverpool, commission agent, May 7 at 11, Liverpool, aud. ac.—*Donald M' Larty*, *John M' Kee*, and *Robert Lamont*, Liverpool, merchants, May 14 at 11, Liverpool, aud. ac.—*Henry Brown* and *Brook Hodgson*, Halifax, Yorkshire, velvet manufacturers, May 8 at 11, Leeds, aud. ac.—*Joseph Hartley*, Calverley, Yorkshire, cloth manufacturer, May 9 at 11, Leeds, aud. ac.—*Leonard Hyman*, Mincing-lane, City, merchant, May 21 at 11, London, div.—*Benjamin Gibbs*, Bermondsey-street, Southwark, Surrey, leather merchant, May 17 at half-past 12, London, div.—*William Daniel Hoad*, Rye, Sussex, ship builder, May 17 at 12, London, div.—*James Nutt*, Leadenhall-street, City, jeweller, May 17 at 11, London, div.—*Richard Wentley Fletcher*, *Joseph Fletcher*, and *John Fletcher*, Walsall, Staffordshire, merchants, June 3 at 11, Birmingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Henry Noltey*, Fieldgate-street, Whitechapel, Middlesex, hotel keeper, May 17 at 1, London.—*John Gibbs*, Church-street, Hackney, Middlesex, licensed victualler, May 17 at half-past 11, London.—*Thomas G. Johnson* the younger, Coventry, Warwickshire, wine merchant, May 27 at 11, Birmingham.—*William Ward*, Boothby Pagnell, Lincolnshire, farmer, May 28 at 11, Nottingham.—*Thomas Fleming*, Halifax, Yorkshire, skirtmaker, May 27 at 11, Leeds.—*Matthae Somerville*, Liverpool, joiner, May 17 at 1, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Thomas G. Tomkins*, Strand, Middlesex, bookseller.—*W. H. Davis*, Ash, Surrey, farmer.—*Robert Smith*, Harmood-place, Hampstead-road, Middlesex, builder.—*J. Wiseman*, Luton, Bedfordshire, printer.—*Afred Jauvency*, Forest-hill, Kent, plumber.—*Stephen Dodd* and *John Charles Peeling*, Woburn, Bedfordshire, booksellers.—*Thomas Watts*, Bristol, sailmaker.—*Isaac Isaacs*, Bristol, jeweller.—*Handel Ashworth*, Dukinfield, Cheshire, machine broker.—*Joseph Radcliffe*, Dobcross, Saddleworth, Yorkshire, butcher.—*D. Hollin*, Leicester, boot manufacturer.—*Wm. Rose*, Birmingham, ropemaker.

## PETITION ANNULLED.

*Henry Pinchbeck*, Horncastle, Lincolnshire, builder.

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*Charles M'Lean*, Elgin, china merchant.—*Wm. Grant*, Cairnhill, Dailly, Ayrshire, farmer.—*G. Hamilton & Sons*, Glasgow, smiths.

## TUESDAY, April 30.

## BANKRUPTS.

**THOMAS WILLIAM RANDALL**, Wrexham, near Slough, Buckinghamshire, corn dealer, May 14 and June 12 at half-past 12, London: Off. Ass. Graham; Sols. Ellis & Co., 12, Clement's-lane, London.—Pet. f. April 26.

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## THE JURIST.

LONDON, MAY 4, 1861.

THE policy of stat. 9 Geo. 2, c. 36 (commonly called the Mortmain Act), though it may be in some respects defective, is, we think, on the whole, admirable, and it has to a very great extent prevented that public mischief stated in its preamble to have "greatly increased," viz. "large and improvident alienations or dispositions made by languishing or dying persons, or by other persons, to uses called charitable uses, to take place after their deaths, to the disherison of their lawful heirs."

The bill, which with some amendments afterwards became the act 9 Geo. 2, c. 36, was prepared by Ord, Glanville, and Plumer, with the assistance of Sir Joseph Jekyll, M. R.; and the 2nd section, as to purchases by charities, was added by amendment in the House of Lords, and was afterwards agreed to by the Commons.

The 2nd section appears to have been misapprehended, inasmuch as persons seem to have thought that purchases by charities were wholly exempted from the operation of the act; whereas it was essential to their validity that the requirements of the act, as set forth in the 1st section, should be complied with in all respects save one, viz. the sealing and delivery of any deed or deeds *twelve calendar months at least before the death of the grantor*. In effect, it is essential to the validity of purchases to charitable uses, under the 9 Geo. 2, c. 36, that the conveyance should be by deed indented, sealed and delivered in the presence of

two or more credible witnesses; that it should be enrolled in the Court of Chancery within six months after its execution; that it should take effect in possession, for the charitable use intended, immediately from the making thereof, and be without any power of revocation, reservation, trust, condition, limitation clause, or agreement whatsoever, for the benefit of the grantor or any person claiming under him; that it should be made really and bona fide for a full and valuable consideration actually paid at or before the making of such conveyance, without fraud or collusion; but such conveyance would be valid, although the grantor did not survive its execution twelve calendar months, as was required in the case of gifts.

To remedy the defect in titles of land purchased for charitable purposes under this misapprehension of the law, the 9 Geo. 4, c. 85, which has only a retrospective operation, was passed.

A bill, intituled "An Act to amend the Law relating to the Conveyance of Land for Charitable Uses," has been brought from the Lords to the House of Commons. It has both a prospective and retrospective operation, and proposes to effect changes in the Mortmain Act, some of which do not appear to be open to any objection; of others we cannot approve, and we hope that the bill, before it passes through Parliament, will be closely examined in the House of Commons, in order that the effect of the whole measure may be fully understood, and that, if any clause be found trenching in any way upon the great principles, carried out hitherto, as we believe, with considerable success, in the Mortmain Act, it may at once be eliminated from the bill.

The bill begins by reciting, in its preamble, part of the 1st section of stat. 9 Geo. 2, c. 36—not in a very accurate manner, for some portions of it appear to be omitted without any good cause; and in the eighth line, after the words “deed indented,” the words “and inrolled” are unnecessarily interpolated. It next recites stat. 9 Geo. 4, c. 85, intitled “An Act for remedying a Defect in Titles of Lands purchased for Charitable Purposes,” which is referred to as the “*now-reciting act*”—a piece of bad grammar of which we should not like to see Parliament guilty, and which might be avoided by terming it “the act now in recital.”

The 1st clause in the bill is of a rather miscellaneous character, and might, we think, with very great advantage, so far as concerns clearness and accuracy of expression, have been broken up into three sections. It begins by enacting, “that no deed or assurance *hereafter* to be made, for any charitable uses whatsoever, of any hereditaments of any tenure whatsoever, or of any estate or interest therein, shall be deemed to be null and void by reason of such deed or assurance not being *indented*, or not purporting to be indented.

The next part of the section makes, we think, a considerable inroad upon the policy of the Mortmain Act; for it enacts, that a deed or assurance, or any deed forming part of the same transaction, is not to be null and void “by reason of its containing *any grant or reservation* of any peppercorn or other nominal rent, or of any mines or minerals or easement, or any covenants or provisions as to the erection, repair, position, or description of buildings, the *formation or repair of streets or roads, drainage or nuisances*, or any covenants or provisions of the like nature for the use and enjoyment as well of the hereditaments comprised in such deed or assurance as of any other adjacent or neighbouring hereditaments, or any right of entry on non-payment of any such rent or on breach of any such covenant or provision, or any stipulations of the like nature for the benefit of the donor or grantor, or of any other person or persons claiming under him.”

Now, when the 9 Geo. 2, c. 36, was before the House of Lords, it was proposed, by amendment, to omit from the 1st clause that part which makes it essential to the validity of a conveyance to charitable uses that it should take effect in possession, and be without any power of revocation, reservation, trust, condition, limitation clause, or agreement whatsoever, for the benefit of the donor or grantor, or any person or persons claiming under him. The amendment, however, was objected to, and it was resolved that the words proposed to be omitted should stand part of the bill.

We think that it would be far better to reconsider fully the policy of that part of the Mortmain Act proposed in the House of Lords to be left out, and, if it be considered either bad or unnecessary, to repeal it altogether, or, if it merely requires amendment, to substitute a new provision for it, inasmuch as we anticipate that considerable difficulty may arise in construing this part of the bill (if it becomes an act) with the Mortmain Act, for the two clauses, put in juxtaposition one with another, make up an unsightly piece

of legislative patchwork, not very creditable to Parliament, and not very intelligible to the country.

Next, an assurance of hereditaments of copyhold or customary tenure is not to be null and void “by reason of the same not being made *by deed*.” Now, the surrender and admittance to copyholds are, as is well known, not evidenced by deed, but are entered on the court-roll, and the new tenant, on paying his fees, receives a copy of the entry on the court-roll. It is, we presume, intended that this copy of the entry on the court-roll should be inrolled in Chancery when hereditaments of copyhold or customary tenure are assured to charitable uses. But if it is right to assume that lands of those tenures cannot at present be assured to charities by the Mortmain Act, we should have thought that some provision requiring the inrolment either of the covenant to surrender lands to charitable uses, or of the entry of the surrender and admittance on the court-roll, necessary.

The next part of this section very materially alters the 2nd clause of the Mortmain Act, which takes purchases by charities partially out of the operation of the 1st clause, since the conveyance is not required to be executed ~~twelve~~ calendar months at least before the death of the grantor, but such purchase is required to be “for a full and valuable consideration actually paid at or before the making of such conveyance, without fraud or collusion.” And by this bill such consideration may consist “wholly or partly of a rent, rent-charge, or other annual payment reserved or made payable to the vendor, or to any other person, with or without a right of re-entry for non-payment thereof.” And there is a proviso, that in all reservations authorised by the act, the donor, grantor, or vendor shall reserve the same benefits for his representatives as for himself.

We think a clause like that proposed in the bill opens a door for the evasion of the Mortmain Act. Take, for instance, the case of a person being on his death-bed, and therefore necessarily precluded from making a gift of land to charitable uses; he may, however, grant the lands to a charity, in consideration of a rent-charge, without a right of re-entry, reserving a rent, say to A., whom we will assume to be a person very much interested in the object of the charitable uses. Soon after the death of the grantor, A. surrenders the rent-charge to the charity by way of gift. Other cases might be put, and we think that the Legislature should consider well before they alter the Mortmain Law in this respect.

By the 2nd section it is proposed to enact, that “in all cases where the charitable uses of any deed or assurance *hereafter* to be made for conveyance of any hereditaments for any charitable uses shall be declared by *any separate or other deed or instrument*, it shall not be necessary, for the purposes of the first-recited act or of this act, to inrol such deed or assurance for conveyance; but every such deed or assurance for conveyance shall nevertheless be absolutely null and void unless such separate or other deed or instrument shall within ~~six~~ calendar months next after the making or perfecting of such deed or assurance for conveyance be inrolled



in her Majesty's High Court of Chancery; and such inrolment as last aforesaid shall be deemed and treated, for all purposes of the first-recited act and of this act, as if such deed or assurance for conveyance had declared such charitable uses, and had been so inrolled as last aforesaid."

We presume that the object of this section is to save the expense of the inrolment of a deed, or perhaps of the entry of the surrender and admittance on the court-roll, whereby land is vested in trustees for a charity, whilst it renders the inrolment of the deed or instrument, declaring the charitable uses, imperative. We should think, however, that it would be far better that every instrument connected with a conveyance to charitable uses should be inrolled, thereby giving to all persons interested ample means of ascertaining at once the fact of the validity or invalidity of the transaction, at any rate, so far as it then could be ascertained by an inspection of the inrolment of the documents by which it was carried out.

We shall revert to the consideration of the remaining clauses of this bill at a future time, merely remarking at present that two of them are liable to the objection of being retrospective in their operation.

### THE WILLS OF PERSONALTY BY BRITISH SUBJECTS BILL.

A CRUDE and imperfect attempt was made in a bill introduced by Sir Fitzroy Kelly and Mr. Malins, shortly after the decision of the case of *Bremer v. Freeman* by the Judicial Committee of the Privy Council (May 9, 1857), to remedy the inconvenience occasioned by the differences between the laws of England and those of foreign countries with respect to the mode of executing testamentary instruments. The bill was properly rejected, and we are glad to find that the attempt has been renewed by a lawyer so competent to deal with the subject as Lord Kingsdown. There can be no doubt that the proposed measure would create difficulty in some cases where none could arise under the law as it now exists; but we think that a candid consideration of the bill, and of the cases to which it would most frequently apply, will lead to the conclusion that its operation would be on the whole beneficial. The first two sections of the bill are as follows:—

"1. Every will and other testamentary instrument made out of the United Kingdom by a British subject (whatever may be the domicile of such person at the time of making the same, or at the time of his or her death) shall, as regards personal estate, be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be made according to the forms required either by the law of the place where the same was made, or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in any part of the United Kingdom.

"2. Every will and other testamentary instrument made within the United Kingdom by any British subject (whatever may be the domicile of such person at the time of making the same, or at the time of his or her death) shall, as regards personal estate, be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be executed according to the forms required by the laws for the time being in force in

that part of the United Kingdom where the same is made."

The object of the bill is of course to remedy, as far as can be done by British legislation, the inconvenience which arises in certain cases from the application of the rule of English law, that the validity of a testamentary disposition of moveable property, as regards the form and execution of the instrument, is governed by the law of the place where the testator was domiciled when he died—a rule which is not adopted on the continent, the maxim in France being, that, at least as regards a will made in that country, the forms prescribed by the law of the place where it is made, and not those of the testator's domicile, must be followed; while in Germany it seems that the testator may adopt either the form of the place where he makes his will or the form of the place of his domicile.

From the diversity of these rules and forms various inconveniences arise. A testator who has changed his domicile may forget to re-execute his will according to the form required by the law of his adopted country, or may make his will in the form to which he was accustomed in the place of his birth, or may die in a foreign country without having changed his domicile, having made his will abroad, formal according to the law of his domicile, informal according to that of the place where he died; or, having made a good foreign will while domiciled abroad, may die in an English domicile; or, lastly, there may be a doubt as to the domicile at the time of execution or of death, or the courts of two different countries may not agree as to the domicile of the same person. It is obvious that the only perfect resolution of all the complications would be an agreement among civilised States to adopt the same rule as to the execution of testamentary instruments. Stopping short of such an agreement, a great improvement might be effected by allowing to every testator the right to adopt the forms of the place of his birth, those of his domicile, or those of the place where the instrument is executed, at his option. This is what the bill before us is intended to do, so far as regards the recognition in the United Kingdom of the wills of British subjects. It is, unlike the bill of 1857, confined to the formal requisites to the validity of a will, and does not purport to affect its construction or operation when proved.

The remaining clauses of the bill are as follows:—

"3. No will or other testamentary instrument shall be held to be revoked or to have become invalid by reason of any subsequent change of domicile of the person making the same.

"4. Nothing in this act contained shall invalidate or affect any will or other testamentary instrument, as regards personal estate, which would have been valid if this act had not been passed, except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this act.

"5. This act shall extend only to wills and other testamentary instruments made by persons who die after the passing of this act."

The proposed alterations, then, are shortly these:—

1. To recognise in the United Kingdom, as valid, the will of a British subject made abroad, if executed according to the law of England or of Scotland, the law of the place of making, or the law of the place of domicile at the date of the will.

2. To recognise as valid the will of a British subject executed within the United Kingdom, according to the law of the place of making.

3. To recognise as valid, after a change of domicile, a will made anywhere, by any person, which would have been valid if the domicile had not been changed.

These alterations would introduce doubt and conflict of laws into some cases which, as the law stands, would be free from doubt. Thus, if an Englishman dies domiciled in France, leaving a will made there according to the English form, and not according to the French form, the English courts must, under the proposed enactment, recognise the will, while the French courts must disregard it, and the distribution of the several portions of the testator's personal estate must depend upon the accident of their locality at the time of distribution. A debtor to the estate, paying his debt to the French representative of the testator by compulsion of law there, could not, perhaps, be afterwards made answerable for the same debt to the English executor if he came within the jurisdiction of a British court; but it may be doubted whether payment without process would be equally available as a defence; and if it were, a creditor to the estate might determine the destination of the debt, at his option, by selecting the country in which he pays it. Difficult questions might arise upon negotiable instruments, mutual debts, liens, and goods in transitu; but the incidental inconveniences in such cases will be outweighed by the general beneficial operation of the act in favour of the intention; for it may be assumed that the latest will which a testator has allowed to remain in existence contains his last wishes, in whatever place and according to whatever form he may have executed it.

We trust that some effort will be made to induce other countries to enter into treaties for giving to the subjects of each a similar privilege to that which British subjects will, to a limited extent, acquire under Lord Kingsdown's bill.

### BOOK RECEIVED.

THE Law relating to the Probate, Legacy, and Succession Duties in England, Ireland, and Scotland, including all the Statutes and the Decisions on those Subjects, with Forms and Official Regulations. By Leonard Shelford, Esq., of the Middle Temple, Barrister-at-Law. Second Edition, with many Alterations and Additions.—12mo., pp. 689.—Butterworths.

### CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—William Windsor Parker, Esq., M. A.; William Fraser Rae, Esq.; William Henry Deverell, Esq., B. A.; Walter John Bacon, Esq., B. A.; William Henry Baillie, Esq., B. A.; George Roger Harding, jun., Esq.; and Henry Diedrich Jencker, Esq.

INNER TEMPLE.—Henry Pottinger, Esq., B. A.; John Hardy, jun., Esq.; Philippe Gaston Martin Moncamp, Esq.; Charles Boyle, Esq.; James Jephson, Esq.; William Potter, jun., Esq., B. A.; and William Roupell, Esq., M. P.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed George Osgood, Gent., Registrar of the Sheriff's Court, Guildhall-buildings, Basinghall-street, and of No. 24, Chalcott-villas, Adelaide-road, Haverstock-hill, Middlesex, to be a London Commissioner to administer oaths in the High Court of Chancery.

### Court Papers.

#### COMMON-LAW CAUSE LISTS, EASTER TERM, 1861.

#### Court of Queen's Bench.

##### NEW TRIALS.

<i>Moved Easter Term, 1861.</i>	York—Aitchison v. London
Midd.—Smith v. Bonella	Monetary Advance
Lond.—Holland v. Russell	and Life Assurance
" Walter v. Williams	Co., Limited
" Payton v. Baxendale	" Greenwood v. Horsfall
& ora.	" Mellors v. Shaw & an.
" Fourcelot v. Abbias & an.	" Pearson v. Spencer
Leices.—Sikes v. Wild & ora.	Liverp.—Watson v. Russell
Kent—Fisher v. Prowse	" Kelly v. Wickstead
Surrey—Spokes v. Wheeler	" Jackson v. Thomas
" Winter v. Winter	" Denton v. Milligan
" Curtin v. South-eastern Railway Co.	" Quall v. Hall
Northum.—Day v. Snowden	Stafford—Palmer v. Lowe
" Neville v. Wright	Glouces.—Bennett v. White
Durham—Waugh v. Barnard	Cornwall—Venning v. Bry
" Walton v. Aylam	Glamorg.—Richards v. Morgan
	Morgan v. Sams.

The Bail Court will sit on the last four days of this term, and it is ordered that the following rules be brought on for argument in that court, and not in the full court.

Barker v. Clough & an.	In re Goble
In re Denistown & ora.	Last v. Edeveain
Martin v. Hiron	Reg. v. Hodgkinson
In re Borrett & ora.	Reg. v. Longden
Turner v. Nickolds, jun.	Reg. v. Rowland
Simpson v. Young & an. }	Reg. v. Fisher & an.
Nathan & an. v. Worsley }	Reg. v. Holman
Edwards v. Morris	Reg. v. Pope
Cann & ora. v. Dampier	Reg. v. Morcom
Peake & an. v. Rogers	Reg. v. Inhabitants of Lockwood with Southwaite
Charlton v. Wear	Reg. v. Cottrell.
Wilkin v. Brown	
Mann v. Watson	

The following cases, selected from the Crown Paper, will also be taken in the Bail Court on the above-mentioned days, in case the above rules are disposed of.

Stretch v. White	Onley v. Gee
Newton & an. v. Skeats	Scott v. Vine
Reg. v. Tott	Woodward v. Eastern Counties Railway Co.
Horwood v. Powell	Vaughan v. Brown
Taylor v. Carr & an.	Biggs v. Mitchell.
Robinson v. Humble	

#### COURT OF QUEEN'S BENCH.

EASTER TERM, 24 VICT.—April 30, 1861.

This Court will hold sittings on Thursday, the 9th, and Friday, the 10th days of May next, and will at such sittings proceed in disposing of the remaining Causes in the New Trial, Special, and Crown Papers, and any other matter then pending.

BY THE COURT.

THE JURIDICAL SOCIETY.—The sixth anniversary meeting of this society was held at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 29th April, J. W. Willcock, Esq., Q. C., in the chair, when the officers of the society for the ensuing year were elected, and the other usual business transacted.

**GEORGE PEFFANI**, Minories, City, sailmaker, May 10 at half-past 1, and June 14 at 1, London: Off. Ass. Whitmore; Sols. Wadson & Maffeson, 11, Austin-friers.—Pet. f. April 29.

**GEORGE WALL**, Canterbury, Kent, common brewer, May 14 at 12, and June 18 at 1, London: Off. Ass. Edwards; Sol. Baker, 8, Cloak-lane, London.—Pet. f. April 18.

**LUCINDA TALLIS**, widow, Warwick-square, City, and Chadwell-street, Pentonville, Middlesex, bookseller, May 14 and June 11 at 1, London: Off. Ass. Edwards; Sols. Lawrence & Co., 12, Bread-street, Cheapside, London.—Pet. f. April 20.

**JOHN ARGENT**, Fleet-street, City, innkeeper, May 14 and June 18 at 1, London: Off. Ass. Edwards; Sols. Blake & Snow, 22, College-hill, London.—Pet. f. April 10.

**JOHN GIBSON**, Birmingham, licensed victualler, May 9 and 30 at 11, Birmingham: Off. Ass. Whitmore; Sols. Wilkes, Gloucester; Hodgson & Allen, Birmingham.—Pet. d. April 18.

**THOMAS BENFIELD**, Nuneaton, Warwickshire, innkeeper, May 10 and 31 at 11, Birmingham: Off. Ass. Whitmore; Sols. Footitt, Newark-upon-Trent; James & Knight, Birmingham.—Pet. d. April 23.

**THOMAS MOULD**, Sudbury, Derbyshire, farmer, May 16 and June 6 at 11, Nottingham: Off. Ass. Harris; Sols. Welby, Uttoxeter; James & Knight, Birmingham.—Pet. d. April 26.

**ANN COX**, Bristol, publican, May 13 and June 10 at 11, Bristol: Off. Ass. Miller; Sols. Harwood, and Henderson, Bristol.—Pet. f. April 22.

**JAMES PERROTT**, Cheddar, Somersetshire, draper, May 13 and June 10 at 11, Bristol: Off. Ass. Ackman; Sols. Brittan & Sons, Bristol.—Pet. f. April 26.

**ALFRED WILLIAMS**, Melcombe Regis and Weymouth, Dorsetshire, builder, May 15 and June 12 at 12, Exeter: Off. Ass. Hirtzel; Sols. Howard, Weymouth; Terrell, Exeter.—Pet. f. April 27.

**JOHN TREVETT**, Sheffield, Yorkshire, shoemaker, May 11 and June 15 at 10, Sheffield: Off. Ass. Brewin; Sol. Vickers, Sheffield.—Pet. d. April 2.

**CHARLES WAKEFIELD JENNER**, Hanmanby, Yorkshire, surgeon, May 22 and June 19 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Donner & Woodall, Scarborough; Bond & Barwick, Leeds.—Pet. d. April 29.

**WILLIAM CLAYTON**, JOSEPH WILKINSON CLAYTON, and CHRISTOPHER BILLINGTON, Manningham, Bradford, Yorkshire, contractors (trading under the firm of Claytons & Billington), May 27 and June 17 at 11, Leeds: Off. Ass. Hope; Sols. Wood, Bradford; Cariss & Cudworth, Leeds.—Pet. d. April 26.

**JAMES GRAHAM**, Liverpool, blue manufacturer, May 7 and June 3 at 11, Liverpool: Off. Ass. Turner; Sols. Anderson & Collins, Liverpool.—Pet. f. April 26.

**THOMAS THEOPHILUS TYZACK**, Liverpool and Bootle-cum-Linacre, Lancashire, flour dealer, May 14 and June 3 at 11, Liverpool: Off. Ass. Bird; Sols. Littledale & Co., Liverpool.—Pet. f. April 24.

**ROBERT WAUDBY KIRKUS**, Walton-on-the-Hill, near Liverpool, chemist, May 7 and June 3 at 11, Liverpool: Off. Ass. Morgan; Sol. Yates, Liverpool.—Pet. f. April 26.

**GEORGE PEARSON**, Manchester, machine maker (carrying on business under the style or firm of George Pearson & Co.), May 7 and June 7 at 12, Manchester: Off. Ass. Pott; Sols. Earle & Co., Manchester.—Pet. f. April 18.

#### MEETINGS.

**Edward Lightfoot**, Nantwich, Cheshire, confectioner, May 14 at 11, Liverpool, aud. ac.—**Thomas Price**, Evesham, Staffordshire, market gardener, June 7 at 11, Birmingham, aud. ac.; June 14 at 11, div.—**William Brettell**, Oldbury, Worcestershire, plumber, June 7 at 11, Birmingham, aud. ac.—**James Cook**, Walsall, Staffordshire, tanner, June 7 at 11, Birmingham, aud. ac.; June 14 at 11, div.—**Luke Palfreyman**, Sheffield, Yorkshire, scrivener, May 11 at 10, Leeds, aud. ac.—**James Crook**, Winckworth-place, City-road, Middlesex, India-rubber web manufacturer, May 21 at 1, London, div.—**Victor Pascal Billiet**, King-street, Cheapside, City, importer of French clocks, May 21 at 12, London, div.—**Chas. Heath**, Southampton, coffee-house keeper, May 31 at half-past 11, London, div.—**Henry Hobbs**, Woburn, Buckinghamshire, common brewer, May 31 at 1, London,

div.—**William Brent**, Blue Anchor-road, and Wilbourn-terrace, Grange-road, Bermondsey, Southwark, Surrey, tanner, May 21 at half-past 12, London, div.—**Jonathan Wood**, **Charles Wood**, and **Thomas Marshall**, Brick-lane, Spitalfields; Mile-end; Tottenham; Ponder's-end; and Enfield, Middlesex; Loughton, Essex; and Waltham and Cheshunt, Hertfordshire, coal merchants, May 23 at 1, London, div.—**Jean Marc Francois Jaquemot**, New Broad-street, City, silk merchant, May 28 at 1, London, div.—**Gibbs Houes Murrell**, Surlingham, Norfolk, brickmaker, May 28 at 12, London, div.—**Peter Jameson**, Staleybridge, Lancashire, tailor, June 6 at 12, Manchester, div.—**Thomas Myott**, Manchester, grocer, May 31 at 12, Manchester, aud. ac.; June 6 at 12, div.—**Daniel Robert Richards**, Birkenhead, Cheshire, shoe manufacturer, May 23 at 11, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Compton Prescott**, Yarnton, Oxfordshire, corn dealer, May 28 at 12, London.—**Wm. Fowler**, Bradford, Yorkshire, grocer, May 22 at 12, London.—**Philip Ings**, Moretown Ringwood, Hampshire, artificial manure manufacturer, May 22 at half-past 1, London.—**Jonathan Wood**, **Charles Wood**, and **T. Marshall**, Brick-lane, Spitalfields; Mile-end; Tottenham; Ponder's-end; and Enfield, Middlesex; Loughton, Essex; and Waltham and Cheshunt, Hertfordshire, coal merchants, May 23 at 1, London.—**Charles Cairns**, Newport, Monmouthshire, bonded store merchant, May 28 at 11, Bristol.—**John Sellars**, Newton-heath and Manchester, manufacturing chemist, May 31 at 12, Manchester.—**Spencer Percival Pennell**, Liverpool, commission merchant, May 22 at 12, Liverpool.

*To be granted, unless an Appeal be duly entered.*

**Thomas Buck**, Paternoster-row, City, dealer in electroplated goods.—**John Melchior Hagenbuch**, Adde-street, Aldermanbury, City, trimming dealer.—**Gustave Laurant**, Leicester-square, Middlesex, coffee-house keeper.—**Frederick Cogman**, Norwich, tailor.—**John Rogers**, Merthyr Tydfil, Glamorganshire.—**Richard Henry Clough**, Manchester, cotton dresser.—**Jos. Thornley**, Sneyton, Nottinghamshire, lace dealer.—**Thomas Barratt**, Market Drayton, Shropshire, timber merchant.—**John Bickley**, Burton-upon-Trent, Staffordshire, grocer.—**John Genders**, Darlaston, Staffordshire, boot maker.

#### PETITIONS ANNULLED.

**William Barclay Stewart**, Manchester, yarn agent.—**Edwin Leathwaite**, Halifax, Yorkshire, watchmaker.—**P. Scott**, Liverpool, and Newcastle, Down, Ireland, timber merchant.

#### PARTNERSHIP DISSOLVED.

**William Richard Bishop** and **James Pitts**, Exeter, attornies and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Robert Stalker**, Alva, woollspinner.—**Thomas M'Intosh**, Glasgow, painter.—**John Miller**, Rothesay, cattle dealer.—**Andrew Melvin**, Banff, tinsmith.—**David Masson**, Stonyfield, Elgin, Elginshire, farmer.—**Wm. M'Garry**, Glasgow, furniture dealer.—**James Macadie**, Thurso, merchant.

The Queen has been pleased to appoint Sholto Pemberton, Esq., to be Chief Justice of the island of Dominica.

The bill of Mr. Hodgkinson "to prevent frivolous or fictitious defences to actions for the recovery of debts," which we noticed in our last (ante, p. 167), has been rejected by the House of Commons.

COMMISSIONER TO ADMINISTER OATHS IN COMMON LAW.—**George Osgood**, Gent., Registrar of the Sheriff's Court, Guildhall-buildings, Basinghall-street, and of No. 24, Chalcott-villas, Adelaide-road, Haverstock-hill, Middlesex, has been appointed a London Commissioner for administering oaths in common law in the Courts of Queen's Bench and Common Pleas.

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## GAZETTES.—FRIDAY, May 3.

## BANKRUPTS.

**WILLIAM TUNBRIDGE**, Ware, Hertfordshire, draper, May 16 at half-past 1, and June 13 at 11, London: Off. Ass. Johnson; Sol. Batchelor, 1, Guildhall-chambers.—Pet. f. May 1.

**JOHN MORGAN**, Greenfield-street, Whitechapel, Middlesex, draper, May 16 and June 14 at 11, London: Off. Ass. Cannan; Sols. Walker & Harrison, 5, Southampton-street; J., B., & E. Whitworth, Manchester.—Pet. f. April 18.

**WILLIAM BRADDON**, Holloway, Middlesex, coal merchant, May 16 and June 14 at 12, London: Off. Ass. Cannan; Sol. Randall, 14, Tokenhouse-yard.—Pet. f. April 24.

**JOHN MOORE**, Chalton-street, Euston-road, Middlesex, ironmonger, May 14 at half-past 1, and June 12 at 1, London: Off. Ass. Stansfeld; Sols. Wallinger & Miller, 5, Sherborne-lane, London; Suckling, Birmingham.—Pet. f. April 22.

**BENJAMIN JOSEPH WARTON**, Eadell-street, Long-acre, Middlesex, carver and gilder, May 15 and June 12 at half-past 1, London: Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross, London.—Pet. f. May 2.

**DANIEL PILDITCH**, Oakley-crescent South, Chelsea, Middlesex, builder, May 13 at 11, and June 17 at half-past 12, London: Off. Ass. Pennell; Sol. Angell, 23, King-street, Cheapside, London.—Pet. f. April 26.

**DANIEL GAMON**, Colney-hatch Station, coal merchant, and Hornsey, Middlesex, builder, May 13 at 2, and June 19 at 12, London: Off. Ass. Pennell; Sol. Kays, 2, New-lan, Strand, London.—Pet. f. May 2.

**LADISLAS KISS**, Watling-street, City, merchant, May 13 at 12, and June 17 at 1, London: Off. Ass. Pennell; Sols. Lawrence & Co., 14, Old Jewry-chambers, London; Snowden & Son, Leeds.—Pet. f. April 20.

**HENRY BLAKE**, Shide, near Newport, Isle of Wight, maltster, and Portsea, Hampshire, brewer, May 14 at 2, and June 18 at 1, London: Off. Ass. Edwards; Sol. Chidley, 25, Old Jewry, London.—Pet. f. April 27.

**WILLIAM REYNOLDS HAYNE**, Devonshire-terrace, Camden-road, Middlesex, apothecary, May 14 at half-past 2, and June 21 at 11, London: Off. Ass. Edwards; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. May 3.

**JOHN DAY the younger**, Coventry, Warwickshire, and Noble-street, London, ribbon manufacturer, May 22 and June 24 at 11, Birmingham: Off. Ass. Kinnear; Sols. Dewes, Coventry; Hodgson & Allen, Birmingham.—Pet. d. April 30.

**WILLIAM DOWNES**, Wolverhampton, Staffordshire, grocer, May 17 and June 7 at 11, Birmingham: Off. Ass. Whitmore; Sols. H. & J. E. Underhill, Wolverhampton; James & Knight, Birmingham.—Pet. d. April 22.

**GEORGE JACKSON**, Birmingham, tobacconist, May 13 and June 10 at 11, Birmingham: Off. Ass. Kinnear; Sols. E. & H. Wright, Birmingham; Abrahams, 17, Gresham-street, London.—Pet. d. April 4.

**FRANCIS TAYLOR**, Cradley-heath, Rowley Regis, Staffordshire, grocer, May 17 and June 7 at 11, Birmingham: Off. Ass. Whitmore; Sols. Lowe, Dudley; E. & H. Wright, Birmingham.—Pet. d. May 1.

**SAMUEL COOKE**, Nottingham, carpenter, May 16 and June 6 at 11, Nottingham: Off. Ass. Harris; Sol. Brown, Nottingham.—Pet. d. April 26.

**THOMAS THOMSON**, Halifax, Yorkshire, stuff manufacturer (trading under the firm of Thomas Thomson & Co.), May 17 and June 14 at 11, Leeds: Off. Ass. Young; Sols. Robson & Suter, Halifax; Cariss & Cudworth, Leeds.—Pet. d. May 1.

**ENOCH FAIRHURST**, Ormalkirk, Lancashire, grocer, May 13 and June 6 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. April 29.

**GRIFFITH EVANS**, Tyn-rhos, near the Valley, Anglesey, corn merchant, May 13 at 11, and June 6 at 2, Liverpool: Off. Ass. Turner; Sols. Williams & Co., Carnarvon; Evans & Co., Liverpool.—Pet. f. April 23.

**GEORGE HENRY OATES**, Brighouse, Yorkshire, ironmonger, May 27 and June 17 at 11, Leeds: Off. Ass. Hope; Sols. Corser & Fowler, Wolverhampton; Richardson & Gaunt, Leeds.—Pet. f. April 20.

## MEETINGS.

**Thomas Edge**, Great Peter-street and Vincent-square, Westminster, Middlesex, gas-meter manufacturer, May 15 at 1, London, last ex.—**Stanley James Wood**, Millwall, Middlesex, cement manufacturer, May 14 at 2, London, last ex.—**Jas. Nickoll and Robt. Frazer North**, Bishopsgate-street Within, City, tallow brokers, May 14 at 1, London, last ex.—**Bartholomew Frederick Dunkley**, Kettering, Northamptonshire, grocer, May 16 at 1, London, and ac.—**Joseph Trevelyan**, Lombard-street, City, cooper, May 16 at 11, London, and ac.—**William Berrett**, St. Mary-at-Hill, City, licensed victualler, May 21 at 1, London, and ac.—**Alfred Mordaunt**, Southampton, chemist, May 21 at 11, London, and ac.—**J. Wiseman**, Luton, Bedfordshire, printer, May 17 at 12, London, and ac.—**Wm. Fabian**, Hoxton, Middlesex, coal merchant, May 15 at half-past 11, London, and ac.—**John Jas. Tyler**, Oxford, upholsterer, May 17 at half-past 12, London, and ac.—**James Carey**, Tunbridge Wells, Kent, shoemaker, May 13 at 11, London, and ac.—**Athelstan Beeson**, Three King-court, Lombard-street, City, timber merchant, May 13 at 11, London, and ac.—**Charles Pennell**, Dartford, Kent, grocer, May 13 at 11, London, and ac.—**John Cooper**, Berners-street, Oxford-street, Middlesex, pianoforte maker, May 13 at 11, London, and ac.—**Benjamin Cail**, Maidenhead, Berkshire, land agent, May 13 at 11, London, and ac.—**Wm. Teale Bellingham**, Gresham-street, City, auctioneer, May 23 at 12, London, and ac.—**William Richards**, Pontypridd, Glamorganshire, commission agent, May 16 at 11, Bristol, and ac.—**John Davis**, Manchester, manufacturer, May 14 at 12, Manchester, and ac.; May 28 at 12, div.—**Thos. Baydell Golborne and Arthur Acheson Dobbs**, Liverpool, wine merchants, May 15 at 11, Liverpool, and ac.; May 27 at 12, div.—**Thos. Denwick Hunt**, Bootle, near Liverpool, innkeeper, May 15 at 11, Liverpool, and ac.; May 27 at 11, div.—**Joshua Fletcher Lacey**, Birkenhead, and **Leonard Addison**, Abbots Grange, Cheshire, printers, May 15 at 11, Liverpool, and ac. sep. est. of **Joshua Fletcher Lacey**; May 17 at 12, and ac. joint est.; May 27 at 12, div. joint est., and div. sep. est. of **Joshua Fletcher Lacey**.—**John Whitaker**, Wrexham, Denbighshire, victualler, May 17 at 12, Liverpool, and ac.; May 27 at 11, div.—**Joseph Whittingham**, Liverpool, shoemaker, May 15 at 11, Liverpool, and ac.—**John Wreford Hunt**, Liverpool, lamp manufacturer, May 15 at 11, Liverpool, and ac.—**Thomas Fleming**, Halifax, Yorkshire, braccemaker, June 18 at 11, Leeds, and ac. and div.—**Robert Cradock Davies and John Nichol Troughton**, Shoreditch, Middlesex, bankers, May 24 at 11, London, div. sep. est. of **Robert Cradock Davies**.—**George Sumner**, Great Yarmouth, Norfolk, plumber, May 24 at half-past 12, London, div.—**Archibald Hinton**, Highbury, Middlesex, victualler, May 24 at 12, London, div.—**Carter Bodington**, St. Martin's-lane, Westminster, worsted dealer, May 24 at half-past 11, London, div.—**Henry James Vanvoelen Rogers and Alfred Gladstone**, Billiter-street, City, shipbrokers, May 24 at 11, London, div.—**Fred. Tillet**, Banner-street, St. Luke's, spiral flambeaux manufacturer, and Wellington-road, Bethnal-green, Middlesex, timber merchant, May 24 at 12, London, div.—**John Hunt**, Edgware-road, Middlesex, draper, May 24 at 1, London, div.—**John Gibbs**, Church-st., Hackney, Middlesex, licensed victualler, May 24 at half-past 12, London, div.—**J. C. Partridge**, Langley-place, Commercial-road, Middlesex, boot manufacturer, May 24 at half-past 1, London, div.—**J. B. Miter**, Norman's-buildings, St. Luke's, Middlesex, dyer, and Maiden-lane, Queen-st., City, packer, May 24 at half-past 1, London, div.—**S. Underhill**, Wolverhampton, Staffordshire, commission agent, May 29 at 11, Birmingham, div.—**Robert Newton**, Birmingham, baker, June 3 at 11, Birmingham, div.—**John Mountford**, Stoke-upon-Trent, Staffordshire, parian manufacturer, May 29 at 11, Birmingham, div.—**James Haywood**, Derby, ironfounder, May 30 at 11, Birmingham, div.—**F. E. Shipley the elder and F. E. Shipley the younger**, Nottingham, tanner, May 30 at 11, Nottingham, div.—**Wm. Tweedie**, Liverpool, oilman, May 29 at 11, Liverpool, div.—**John Wood**, Birkenhead, Cheshire, licensed victualler, May 29 at 11, Liverpool, div.—**Daniel M'Larty, John M'Kean, and Robert Lamont**, Liverpool, merchants, May 24 at 11, Liverpool, div.—**Joseph Wood and James Wood**, Bradford, Yorkshire, spinners, May 24 at 11, Leeds, div.

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## THE JURIST.

LONDON, MAY 11, 1861.

THE power of intervening in suits for divorce à vinculo matrimonii, conferred by the recent statute on the Attorney-General and the Queen's proctor, has been brought into operation, and promises very beneficial results. The original act creating the Divorce Court, 20 & 21 Vict. c. 85, seems based on the vicious principle, that a suit for divorce à vinculo matrimonii is entirely an affair between the contending parties themselves—that neither third parties nor society have any interest in the success or failure of such suits, or whether they are collusively and improperly prosecuted. This notion is corrected, in part at least, by the 23 & 24 Vict. c. 144, which enables the Queen's proctor, acting under the instructions of the Attorney-General, and indeed enables all other persons likewise, to intervene in any such case where collusion is suspected; and, in order to give opportunity for this intervention, directs that every decree for such a divorce shall in the first instance be a decree nisi, not to be absolute until after the expiration of such time, not less than three months from the pronouncing thereof, as the Court shall by general or special order from time to time direct.

The first case under this statute recently came before the Court, on which occasion the Judge Ordinary pronounced a very important decision. That was a case of *Gray v. Gray*, decided on the 17th April, 1861, and of which we give the following report taken from *The Times* of the next day:—

"The petitioner in this case, Mary Louisa Gray, prayed for a dissolution of her marriage with Richard Thomas Clement Gray, on the ground of adultery coupled with bigamy. The respondent did not appear. The cause was heard by his Lordship on the 17th January last, and a decree nisi was pronounced for the dissolution of the marriage, with costs. On the 20th March the Queen's proctor, by direction of

the Attorney-General, applied to the Court, under the 23 & 24 Vict. c. 144, for leave to intervene. Leave was granted, and the Queen's proctor thereupon filed a plea, and prayed that the petition might be dismissed, and the petitioner or the respondent condemned in the costs.

"Dr. Wambey, on behalf of the petitioner, moved for leave to take the petition off the file.

"The Attorney-General (with whom were Dr. Philimore, Q. C., and Dr. Spinks) said that this being the first case which had been brought before the Court under the new act, he thought it his duty to attend to resist the petitioner's application. It was difficult to express any decided opinion with respect to a novel kind of practice like the present; but, looking to the analogous practice in the Court of Chancery in cases where decrees nisi were to be set aside, the application ought not to be entertained. That technical question, however, was very immaterial. The Queen's proctor, having received information from which he felt it to be his duty to intervene after the decree nisi was pronounced, obtained leave to do so. He then placed the following pleas upon the files of the court:—

"That the said petitioner has been acting in collusion with the respondent Richard Thomas Clement Gray for the purpose of obtaining a divorce, contrary to the justice of the case.

"That divers material facts respecting the conduct of the said petitioner and the respondent have not been brought before the Court.

"That at the time when the said petitioner presented her said petition for dissolution of her marriage, she was, and had been for some years previously, habitually committing adultery with Thomas Kendall, an omnibus proprietor.

"That from the autumn of the year 1850 down to the middle of the year 1852 the said petitioner was in the constant habit of meeting the said Thomas Kendall at the Red Cow Tavern, Dalston, in the county of Middlesex, and of there committing adultery with him.



"That from the time mentioned in the preceding paragraph to the month of December, 1856, the said petitioner lived in divers places in the said neighbourhood, and was there constantly visited by the said Thomas Kendall, and has on divers such occasions committed adultery with the said Thomas Kendall.

"That from December, 1856, to March, 1859, the said petitioner lived and cohabited as his wife with the said Thomas Kendall, at Radnor-terrace, King Henry's-walk, Ball's-pond-road, in the county of Middlesex.

"That from the month of March, 1859, to the present time, the said petitioner has lived and cohabited as his wife with the said Thomas Kendall, at a house situate at Tyssen-terrace, Dalston-lane, Hackney, in the county of Middlesex."

"It was, he submitted, important to the highest interests of justice that parties should not be permitted, after they had proceeded so far as to obtain a decree nisi, to withdraw their case from the further consideration of the Court, and to obliterate all trace of it by removing the petition from the file. The Court and the public had an interest in having the suit finally determined. The Court having been induced to pronounce an improper decree, it was under an obligation to set it aside. It was impossible that the object of the Legislature could be attained if the moment the Attorney-General intervened for the purpose of preventing the highest contempt of court being permitted—namely, the obtaining a decree by an imposition on the Court—the petitioner was allowed to defeat justice by withdrawing his petition. This extraordinary application was made solely in consequence of the intervention of the Attorney-General. He hoped the Court would not accede to it, but would hear the evidence by which the Queen's proctor proposed to prove his allegations, and would then finally determine the case in the ordinary course.

"Dr. Wambey contended that the only object which the Queen's proctor could have in intervening would be fully attained if this application were granted and the petition were withdrawn. He was unable to understand how the public interest could be affected, or how the public morality could be in any way benefited, by an exposure of all the facts tending to prove collusion, if collusion existed. He could not conceive why the petitioner should be debarred from withdrawing the petition.

"The Judge Ordinary: I am of opinion that I ought not to grant this application. I think that the interest of the public is concerned largely in the matter, and that it is important, in the interest of the public and in the interest of morality, if a woman comes forward presenting shamelessly her sham case—a case not founded on truth, but on collusion with her husband—that her conduct should be fully exposed, and that the disgrace which belongs to such a transaction should be thoroughly understood. I think, moreover, that the Attorney-General having directed the Queen's proctor to intervene, under the authority of the statute, it is not competent to the party, after that intervention, to seek to defeat the object of the proceeding taken under the authority of the Legisla-

ture, for the purpose of evading the consequences of her misconduct by withdrawing the petition. I think, further, that one consequence of this proceeding, which the statute contemplated, could not be attained if the petitioner were allowed to withdraw her petition. It is in the breast of the Court, if it should think that a case of fraud and collusion has been established, to fix the costs upon the husband, at all events, if not upon the wife. That consequence would be evaded if the party to a collusive suit were to be allowed to withdraw the petition. On all these grounds I shall hear the evidence which the Attorney-General proposes to adduce, and shall let the case proceed to its legitimate determination, in accordance with the directions of the Legislature.

"The Attorney-General asked his Lordship to reserve the question of the costs of the present application.

"The Judge Ordinary: I am not in a condition to deal with that question now. I have nothing before me at present to affect the respondent."

If the principle here laid down is consistently and fearlessly carried out, a tolerably effective check will be placed on collusive suits for divorce, when the collusion is of an active kind. Collusion of a more passive nature, as well as what the statute calls "connivance," are evils more difficult to deal with, for which, we fear, a perfect remedy must ever be a desideratum. And the former of these may be where no original intention of imposing on the court existed in the mind of the respondent. The following case, we are informed, has occurred in practice on one, and perhaps on several, occasions:—A woman presented a petition to the Divorce Court for a divorce à vinculo, in which she charged her husband with various acts of the grossest misconduct, amply sufficient, if true, to entitle her to a divorce. The husband sought his legal adviser, and, in consultation, assured him that all the charges were untrue, and ordered defence to be taken to the suit; but on it being represented to him that the consequence of his successfully defending the suit would be that he would be bound to take his wife back again if she desired it, he said nothing should ever induce him to live with a woman who had accused him, and falsely too, in the manner she had done. He, therefore, resolved to let the cause go undefended, and let his wife take a decree for a divorce, if the Court would give it to her. Whether this conduct amounted to collusion or connivance within the statute may be a question for the Divorce Court; and whether it was justifiable in foro conscientiae we leave to the casuists; but the eye of common sense sees an immense difference between the conduct of a man withholding his defence under such circumstances, and of one conspiring with his wife ab initio to carry a collusive suit through the court with the view of obtaining a divorce, and so rendering its decree "*fabula non iudicium*."

Since the above was in type, we have observed in the daily papers that in another cause of the same nature in the Divorce Court, the Attorney-General stated that the first time he obtained materials for proving collusion he should indict all the parties to it.

## Correspondence.

## WHAT IS "EAST INDIA STOCK?"

TO THE EDITOR OF "THE JURIST."

SIR,—It is somewhat singular that notwithstanding all the difficulty which has arisen as to the meaning of "East India Stock," in the 32nd section of the 22 & 23 Vict. c. 35, that ambiguous expression has been again used in the General Order of the 1st February, 1861, made in pursuance of the 23 & 24 Vict. c. 38, s. 10, for declaring the funds and securities in which cash under the control of the court may be invested. It seems to be generally considered, that as regards the construction of the former act the question is settled in favour of the old company's stock, by the decision in *Re The Colne Valley, &c. Bill* (29 L. J., Ch., 33). That decision, however, is far from being conclusive, for the Lord Chancellor said expressly that a trustee who had invested in the New East India Government Loan would be protected by the act; and neither of the Lords Justices expressed a contrary opinion.

But be this as it may, the words in the General Order stand on a different footing; for the main argument for holding that "East India Stock," in the 22 & 23 Vict. c. 35, could not mean the new loan, was, that there was no such loan in existence at the passing of the act, the first of the existing loans having only been authorised by an act which passed on the same day—an argument which is evidently inapplicable to the construction of the General Order.

It is true, that in *The Equitable Insurance Company v. Fuller* (7 Jur., N. S., part 1, p. 307) it seems to have been assumed, both by counsel and the court, that the "East India Stock" in the General Order must mean the old company's stock; but as the point was not raised, that case ought not, I conceive, to be conclusive on the matter; and, for the reasons above indicated, I would submit that the question is still open.

It is one of considerable importance. It has already been pointed out (I think in your columns) that the old company's stock is an improper investment for trust funds, inasmuch as by the 3 & 4 Will. 4, c. 85, s. 12, that stock is liable to be paid off in 1874, at the rate of 200*l.* for every 100*l.* stock, while the present market price of it is upwards of 220*l.*; and Sir W. P. Wood, V. C., in the last-mentioned case, while deciding that he was bound to authorise such an investment, admitted that "considerable damage would result to the capital." Already tenants for life of trust funds are beginning to press their trustees to make such investments, whereby they will obtain improved incomes, at the expense of their children or other persons entitled in remainder.

In the case of *The Colne Valley Bill* the Lord Chancellor seemed to think, that by "East India Stock," in the 22 & 23 Vict. c. 35, the Legislature might have been supposed to mean both kinds of securities, if the new stock had been then in existence; but we have nothing like a decision to that effect; and what is wanted rather is, that the latter alone should be allowed as an investment.

May 2, 1861.

M. B.

COUNTY COURT CIRCUIT, No. 34.—Francis Ellis, Esq., of the Home Circuit, has been appointed judge of this circuit, in the room of Edward Cooke, Esq., resigned. Mr. Ellis, who is son of T. F. Ellis, Esq., whose decess he recently recorded, was called to the bar in 1849, and is known to the Profession as contributor to the reports of Ellis Blackburn & Ellis, and Ellis & Ellis, as well as of several cases in Ellis & Blackburn.

## Reviews.

*Lectures, Elementary and Familiar, on English Law.*  
By JAMES FRANCILLON, Esq., County Court Judge.  
[Butterworths; and Hodges, Smith, & Co., Dublin.  
First Series, 1860. Second Series, 1861.]

In the transition state in which the laws of England are at the present time, the want of elementary works is necessarily much felt. We therefore hail the appearance of a work like the above, which comes from a gentleman who may fairly be supposed competent to the task of writing it: Mr. Francillon having now held for many years the responsible position of judge of a county court, and being, we believe, also a chairman of quarter sessions. It must not, however, be supposed that the present Lectures are fitted, or even offered, as a substitute for Blackstone, Stephen, or any of those other treatises which the student first takes in hand; on the contrary, Mr. Francillon distinctly informs us, in his Introduction, that he makes but slight pretensions to be the author of a law book. "These Lectures," he says, "written from materials compiled from various sources, for the use of two junior law students, to whom they are addressed, and in whose progress I take a deep interest, are now published in the hope that they may be useful to other young Englishmen, serving to make them familiar with the laws which the self-governing people of England have formed for themselves. In addition to my desire to render assistance to young professional students, my object is to initiate in the study of law others of our youth, destined many of them as magistrates to administer, some of them as legislators to amend, and all as Englishmen to obey and defend, the laws of their country. With these views, far from attempting a regular treatise, I have selected and endeavoured to explain the more prominent parts of our law, and also those parts which appear to me the most likely to attract and interest young and well-trained minds. Hence," he adds, "it is, that of the many faults which will be perceived in this work, the most conspicuous, if not the most real, is the great fault of being too discursive, too full of digressions. If I can be said to have begun with a plan, I have found it impossible to adhere to it. The temptation has often been irresistible to offer what seemed useful information on interesting points not within my original scheme." Mr. Francillon accordingly does sometimes step out of his way, and occasionally to give good advice to those who are most likely to be his readers. Thus, it is impossible not to approve his strong condemnation of accommodation bills (vol. 1, pp. 50—52); and the following observations respecting the rule of the road will, we think, be found interesting:—"You will smile at my gravely mentioning, as a part of the common law of the land, your old acquaintance, the rhyming rule of the road—'the paradox quite.' I so mention it because it seems to me to have had its origin in a husbandry usage—that of a waggoner to walk on the left of his team as the most convenient side for guiding his horses. Thus, when two waggons meet, each waggoner, walking on the left side of his leading horse, can, by dropping the end of his whip over to the right side of the horse's head, and speaking to it the usual words, bring it and the rest of the team with the waggon towards him. The practice serves to give to the left side of the team and the left side of the road the name of the 'near side,' the right being the off side. So a person driving a carriage, holding the reins in his left hand and the whip in his right, finds it most easy, by means of the reins and whip, to draw to the near side. The usage to pass to the left having become universally prevalent, manifestly to the convenience

and safety of everybody, it became a part of the common law, that of two carriages meeting, each shall pass on the near side of the road; and, added to this, there is another usage, that when one carriage, overtaking another, passes it, it must pass it on its off side, going, as it were, round it, as you see every day. There is a corresponding duty on the part of a carriage overtaken by another, that of keeping to the near side of the road, to leave room on the other side for the carriage overtaking it to pass. The same rules are observed in the case of horsemen passing each other or passing carriages."

Mr. Francillon has adopted the following order in these Lectures:—First, he treats of the common law; secondly, of alterations effected in it by statute; and, thirdly, of constitutional law. Whether this is the best arrangement we will not undertake to decide—the subject being one on which much difference of opinion has existed at all times—and shall merely proceed to notice some portions of the work which call for observation.

In his thirty-ninth Lecture, when speaking on the subject of presumptions, Mr. Francillon lays down the following rule, which certainly is not always observed as it should be:—"In nearly every judicial investigation, involving any degree of difficulty, the judge finds his task the easier the more clearly he keeps in view the legal presumption applicable to the facts as they come before him. In a difficult case the presumption may sometimes shift from one side to the other, and the last presumption left un rebutted may be decisive." In the same Lecture he says—"Of the crime of murder, the punishment for which is death, I prefer, to any other definition I have seen, that expressed by the two words: malicious homicide." We are not quite satisfied with this, for it is possible for a person to kill another maliciously without committing any offence whatever; e. g. a man assaults another with intent to murder him, or breaks into his house by night with intent to commit felony: in either case the injured party has a right to stay the aggressor, and, in so doing, might have the utmost possible malice against him. The element of unlawfulness must be introduced into the definition of murder; and accordingly we should prefer defining it "an unlawful slaying, with malice aforethought, express or implied." It is remarkable, that in the same Lecture Mr. Francillon himself defines "manslaughter" as "criminal, though not malicious, homicide."

The important principle that there may be "damnum absque injuriâ" is thus well stated by Mr. Francillon (vol. 2, p. 51):—"In this respect the principles of English law are consistent with the principles declared by moralists and divines. Thus Butler, in his sermons, explains, better than other writers, that mischief caused without injustice is not, and that injustice is, a proper object of resentment, the natural feeling with which men are endowed to lead them to the redress of injuries by lawful means, stopping short of revenge, which is the unlawful excess of resentment. Whenever the law provides a remedy for an injury, it gives a right direction to resentment, and serves to prevent revenge. Whenever it denies a remedy for a damage not caused injuriously, it enforces on the sufferer the duty of not resenting that which is not a proper object of resentment."

Mr. Francillon, we regret to observe, speaks in many places in a very disparaging manner of trial by jury—at least, in civil cases; and although in some others he uses language, apparently at least, inconsistent with this, it is not difficult to see that his bias is pretty strong against it. (See Lectures 40 and 41). We have no desire on the present occasion to discuss the general question with him; but while his work was

before us we found that it had been already reviewed in *The Morning Post*, from which paper we take the following apposite observations on this feature in it:—"Into the much-vexed question of trial by jury the author enters with the feelings of one to whom evidently the necessity of jurymen is by no means apparent. His experience as a county court judge may have possibly led him to form a pardonably exaggerated estimate of the capabilities of a judge to dispose, not merely of questions of law, but of fact. It is, however, doubtful whether a county court supplies a suitable arena for testing the point in dispute. The instances he presents to the reader's notice of the powers possessed by several eminent judges of influencing the minds of juries are far from being convincing proofs that those powers should be made absolute. Indeed, they tend the other way. It is well known that many men, judges as well as others, entertain strong one-sided opinions on matters which are constantly the subjects of dispute. . . . Composed, as juries are, of twelve men taken by chance from the great mass of the community, they necessarily represent the combined effect of so many different ways of thinking. The consequence is, that violent opposing prejudices tend to neutralise each other, and the complex state of mind presented by the united faculties of the twelve jurymen is, to a great extent, unbiased. Those persons who advocate the trial of questions of fact by single judges should also bear in mind, in addition to the prejudices they may entertain, that if an error is once committed by them, it will, when a similar state of things arises, be repeated. Juries constantly err; but when they do so the evil is not perpetuated. After pronouncing their verdict their functions cease, and the chances are incalculable against the same twelve men again finding themselves in a jury-box trying a similar cause. It is otherwise with a judge; he is irremovable, and in the common course of events it must frequently fall to his lot to try cases differing from each other in little more than the names of the parties. His bias on particular subjects would not only be known, but be calculated on; and the scandalous exhibition, hitherto fortunately never witnessed in English courts, would be presented of suitors displaying their ingenuity with a view to secure particular judges to try particular causes." But, as connected with this subject, Mr. Francillon makes an observation which we consider of great importance, and complimentary to his powers of discernment. Of late years it has become usual among many persons to extol the Scotch practice in criminal cases, of allowing a jury to avoid finding the accused either guilty or not guilty, and to declare the charge "not proven." On this Mr. Francillon remarks—"True it is that the Scotch practice is more logical than the English, which forces a jury to say either 'guilty' or 'not guilty,' inasmuch as, in the majority of cases in which the latter verdict is given, the accused person is acquitted, not because he is proved or even thought to be innocent, but because he is not clearly proved to be guilty. In favour of our practice, it may be said that a Scotch jury may escape the necessity of a thorough discussion of the question of guilty or not guilty by too readily adopting a verdict of 'not proven.'"

In the part of this work which treats of constitutional law, the important question respecting parliamentary privilege, which about twenty years ago formed the subject of the celebrated contention between the House of Commons and the Court of Queen's Bench, together with the cases of *Stockdale v. Hansard* (9 Ad. & El. 1) and *Howard v. Gossett* (10 Q. B. 359), are necessarily introduced. And here we think Mr. Francillon has not correctly stated the law. In his fifty-second Lecture he says—"It would

seem reasonable that, if a defamatory speech made by a member of Parliament may be published by him or any other person, much more should it be lawful to publish, by the authority of either House, a report of one of its committees, or a vote of the House itself, though happening to be defamatory. *But such was not the law before the year 1840.*" Now, whether this was or was not the law, was exactly the question in dispute between the House of Commons and the Court of Queen's Bench on that occasion—a question which we conceive remains untouched by the 3 & 4 Vict. c. 9, to which Mr. Francillon refers, and which was passed in order to put an end to the unseemly contest. He sets out, indeed, the first three sections of that statute, which create a summary mode of staying the proceedings in actions brought against officers of either House of Parliament for libels published by them under the authority of the House, and provide protection for other persons publishing extracts from such libels; but in quoting the preamble he omits the recital, "that it is expedient that more *speedy* protection should be afforded to all persons acting under the authority of the Houses of Parliament, or one of them;" and he makes no mention whatever of the 4th section, which is as follows:—"Provided always, and it is hereby expressly declared and enacted, that nothing herein contained shall be deemed or taken, or held or construed, directly or indirectly, by implication or otherwise, to affect the privileges of Parliament in any manner whatsoever."

These are not the only portions of this work which are deserving of approbation, or open to criticism, but we have said enough to convey to the minds of our readers a general notion of its character.

## EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

EASTER TERM, 1861.

At the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. Jacob John Moser, aged twenty-two, who served his clerkship to Mr. Thomas Swainson, of Lancaster, and Mr. Robert Marshall, of Verulam-buildings, London.

2. John William Bacon Grey, aged twenty-two, who served his clerkship to Messrs. Powell & Newman, of Newport Pagnell, and Messrs Pattison & Wigg, of Clement's-lane, London.

3. Thomas Goodman, aged twenty-one, who served his clerkship to Mr. John Clark, of the Sessions House, Old Bailey, London, and Mr. Henry Avory, of the Sessions House, London.

4. John William North, aged twenty-four, who served his clerkship to Mr. Edwin John Hayes, of Wolverhampton, and Messrs. Sharpe, Jackson, & Parker, of Bedford-row, London.

5. Frederic Messiter, aged twenty-two, who served his clerkship to Mr. George Messiter, of Frome, and Mr. Malim Messiter, of Frome, and Mr. Thomas Henry Smith, of Frederick's-place, Old Jewry, London.

The Council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Moser, the prize of the Honourable Society of Clifford's-inn, and, as a further mark of distinction, one of the prizes of the Incorporated Law Society; to Mr. Grey, the prize of the Honourable Society of Clement's-inn; to Mr. Goodman, one of the prizes of

the Incorporated Law Society; to Mr. North, one of the prizes of the Incorporated Law Society; and to Mr. Messiter, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Thomas Brevitt, aged twenty-one, who served his clerkship to Messrs. Duignan & Ebsworth, of Walsall, and Messrs. Eyre & Lawson, of John-street, Bedford-row; Richard Betton Charles Pulsford Foster, aged twenty-four, who served his clerkship to Messrs. Scarth & Sprott, of Shrewsbury; William Henry Moberly, jun., aged twenty-one, who served his clerkship to Mr. William Henry Moberly, of Southampton, and Messrs. Shum & Crossman, of King's-road, Bedford-row; John Price, aged twenty-three, who served his clerkship to Mr. Jacob Strickland, of Bristol, and Mr. Robert Shuttleworth Gregson, of Angel-court, London; William Tilley, aged twenty-one, who served his clerkship to Mr. Thomas Johnson, of Lancaster, and Mr. William Skilbeck, of Southampton-buildings, London; and John Winttingham, aged twenty-one, who served his clerkship to Messrs. Babb & Grange, of Grimsby, and Messrs. Hill & Son, of Throgmorton-street, London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates, that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

Henry William Bleby, B.A., aged twenty-nine, who served his clerkship to Mr. George Armstrong, of Newcastle-upon-Tyne, and Mr. Samuel Rowles Pattison, of Clement's-lane, London; William Alexander Crump, aged thirty-four, who served his clerkship to Mr. John Wilson Nicholson, of Lime-street, London; John Hammett Knott, aged thirty-seven, who served his clerkship to Messrs. Pownall, Son, & Cross, of Staple-inn, London; and Sydney Mayhew, aged twenty-seven, who served his clerkship to Mr. Alfred Mayhew, of Carey-street, and Mr. Henry White, of Southampton-street, Bloomsbury.

The number of candidates examined in this term was 101; of these 90 were passed, and 11 postponed.

By order of the Council,

ROBERT MAUGHAM, Secretary.

Law Society's Hall, May 9, 1861.

## BILLS IN PROGRESS.

### TRADE MARKS BILL.

(Brought from the Lords on the 15th March, 1861).

*A Bill to amend the Law relating to the fraudulent Marking of Merchandise.*

Sect. 1. In the construction of this act the word "person" shall include any person, whether a subject of her Majesty or not, and any body corporate or body of the like nature, or company or society, whether the members thereof be subjects of her Majesty or not, or some of them subjects of her Majesty and some of them not, and whether such body corporate, body of like nature, company, or society, be established or carry on business within her Majesty's dominions or elsewhere, or partly within her Majesty's dominions and partly elsewhere; the expression "trade mark" shall include any name, word, letter, mark, device, figure, sign, seal, stamp, label, or other thing lawfully used by any person to denote any chattel, or (in Scotland) any article of trade, manufacture, or merchandise, to be of the manufacture, workmanship, production, or merchandise of such person; the word

"misdeameanour" shall include crime and offence in Scotland; and the word "court" shall include any sheriff or sheriff substitute in Scotland.

2. Whosoever, with intent to defraud, or to enable another or others to defraud, any person, shall forge or counterfeit, or procure or cause to be forged or counterfeited, any trade mark, or shall make, or procure or cause to be made, any imitation of a trade mark so resembling such trade mark as to be likely to deceive, or shall apply, or procure or cause to be applied, any trade mark, whether the same be a genuine trade mark or not, to any chattel or article, not being the manufacture, workmanship, production, or merchandise denoted or intended to be denoted by such trade mark, or to any case, cover, wrapper, cask, bottle, reel, stopper, or other thing, in, on, or with which any chattel or article shall be intended to be or shall be sold, or uttered or exposed for sale, or for any purpose of trade, shall be guilty of a misdemeanour.

3. Whosoever, with intent to defraud, or to enable another or others to defraud, any person, shall sell, or utter or expose for sale, or for any purpose of trade, any chattel or article, together with any forged or counterfeited trade mark, or any fraudulent addition to or alteration of a trade mark, or with any imitation of a trade mark so resembling such trade mark as to be likely to deceive, or with any trade mark, whether the same be a genuine trade mark or not, which shall have been applied without lawful authority or excuse (the proof whereof shall lie on the party accused), and whether such trade mark or imitation be in, on, or about such chattel or article, or in, on, or about any case, cover, wrapper, cask, bottle, reel, stopper, or other thing in, on, or with which such chattel or article shall be sold, or uttered or exposed for sale, or for any purpose of trade, shall be guilty of a misdemeanour.

4. In any indictment under this act with respect to a trade mark, or an imitation of, or addition to, or alteration of a trade mark, it shall be sufficient to describe the same as a trade mark, without further or otherwise describing such trade mark, or setting out a copy or fac-simile thereof.

5. Whosoever, with intent to defraud, or to enable another or others to defraud, any person, shall put, or procure or cause to be put, upon any chattel or article, or upon any case, cover, wrapper, cask, bottle, reel, stopper, label, or other thing in, on, or with which any chattel or article shall be intended to be or shall be sold, or uttered or exposed for sale, or for any purpose of trade, any false indication, statement, or description of the quantity, quality, measure, substance, or material of such chattel or article, or any part thereof, or of the manner or place in or at which, or of the person by whom, such chattel or article was made, manufactured, or produced, or was or is dealt in, shall be guilty of a misdemeanour.

6. Whosoever, with intent to defraud, or to enable another or others to defraud, any person, shall sell, or utter or expose or keep for sale, or for any purpose of trade, any chattel or article on which, or on any case, cover, wrapper, cask, bottle, reel, stopper, label, or other thing in, on, or with which such chattel or article shall be so sold, or uttered or exposed or kept for sale, or for any purpose of trade, there shall be any false indication, statement, or description of the quantity, quality, measure, substance, or material of such chattel or article, or any part thereof, or of the manner or place in or at which, or of the person by whom, such chattel or article was made, manufactured, produced, or was or is dealt in, shall be guilty of a misdemeanour.

7. Whosoever, with intent to defraud, or to enable another or others to defraud, any person, shall forge or counterfeit, or procure or cause to be forged or counterfeited, any name, word, letter, initial, cipher, monogram, or other mark whatsoever used to denote any picture, painting, drawing, engraving, lithograph, print, plate, model, sculpture, or other work of art, to be the work, production, or manufacture of any person, whether alive or dead, or shall make, or procure or cause to be made, any imitation of any such name, word, letter, initial, cipher, monogram, or mark, so resembling the same as to be likely to deceive, or shall apply, or procure or cause to be applied, any such name, word, letter, initial, cipher, monogram, or mark, whether the same be genuine or not, to any picture, painting, drawing, engraving, lithograph, print, plate, model, sculpture, or other work of art, not being the work, production, or manufacture of the person or persons denoted, or intended to be denoted, by such

word, name, letter, initial, cipher, monogram, or mark, shall be guilty of a misdemeanour.

8. In any indictment under this act, when it shall be necessary to allege an intent to defraud, or to enable another or others to defraud, it shall be sufficient to allege that the party accused did the act with intent to defraud, or with intent to enable some other person or persons to defraud, without alleging an intent to defraud any particular person, or an intent to enable any particular person or persons to defraud any particular person; and on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular person, or an intent to enable any particular person to defraud any particular person; but it shall be sufficient to prove that the party accused did the act charged with intent to defraud, or with intent to enable some other person to defraud.

9. Every person found guilty of a misdemeanour under this act shall be liable, at the discretion of the court, to suffer such punishment by imprisonment for not more than two years, with or without hard labour, or by fine, or both, as the court shall award.

10. Nothing in this act contained, nor any proceeding, conviction, or judgment for any act hereby declared to be a misdemeanour, shall affect any remedy which any person aggrieved by such act may be entitled to, either at law or in equity.

#### COPYRIGHT (WORKS OF ART) BILL.

(MR. MASSEY, THE ATTORNEY-GENERAL, SIR GEORGE LEWIS, AND THE SOLICITOR-GENERAL).

*Abstract of a Bill for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.*

Sect. 1. Commencement of act. Acts set forth in the schedule repealed; saving existing copyright; but future remedies to be under this act.

#### 2. Interpretation of—

- (1). "Design," a conception, idea, or composition embodied in any work of fine art:
- (2). "Author," he who embodies his own design in a work of fine art:
- (3). "Picture," every drawing, painting, photograph, or other work (except engraving, as hereinafter explained) which on the flat surface embodies any design, or represents any scene or object by means of any process or material:
- (4). "Work of sculpture," the embodiment of a design on a surface or surfaces not flat, in marble, stone, metal, wood, wax, clay, or any other substance, by all or any of the processes of carving, casting, modelling, or by any other process:
- (5). "Engraving," the embodiment of any design, or the representation of any work of fine art, by any means or process, upon metal, stone, wood, glass, or any other material, whereby copies may be multiplied on flat surfaces:
- (6). "Architectural work," the representation of a design for any edifice or building, or any part thereof, by any picture, plan, section, elevation, or model made by any process or processes:
- (7). "Work of fine art," every picture, work of sculpture, engraving, and architectural work:
- (8). "British dominions," all parts of the United Kingdom of Great Britain and Ireland, the Channel Islands, the Isle of Man, and all the colonies and possessions of the Crown, which now are or hereafter may be acquired.

3. First, as to new and original works, except architectural works. The author of every picture, work of sculpture, and engraving, which shall be made, or for the first time sold or disposed of, after the commencement of this act, and his assigns, shall have the sole and exclusive right of copying, reproducing, and multiplying such work and the design thereof, by any means, of any size, and for any purpose, for the term of the natural life of such author, and thirty years after his death.

Secondly, as to copies. Every person who, after the commencement of this act, shall lawfully make, or cause to be made, any picture, work of sculpture, or engraving from or

after any work of fine art, and his assigns, shall have the sole and exclusive right of copying, reproducing, and multiplying such picture, work of sculpture, or engraving, by any means, of any size, and for any purpose, during the term of his natural life, and thirty years after his death.

Thirdly, as to architectural works. The author of every architectural work which shall be made, or for the first time sold or disposed of, after the commencement of this act, and his assigns, shall have the sole and exclusive right of copying, reproducing, and multiplying such work or the design thereof, or any part of such work or the design thereof, if such part be original, by any means, of any size, or for any purpose whatsoever, for the term of his natural life, and thirty years after his death; but when any building shall have been constructed, nothing herein contained shall preclude any person from making any plans, sections, elevations, or models of the same, or any part thereof, and constructing any building therefrom, provided such plans, sections, elevations, or models be made and executed, not from those of the author of the design thereof, but only from the said building.

4. Non-copyright designs may be used although previously copied.

5. Author's name or monogram to be signed on work.

6. The author of every work of fine art which shall have been sold or disposed of before the commencement of this act, or (in case he shall have died within ten years before the passing of this act) his executors or administrators, and his or their assigns, shall, from and after the commencement of this act, but so as not to affect anything done before this act, have copyright in every such work, and in the design thereof, as if such work had been made, or for the first time sold or disposed of, after the commencement of this act; provided he or they obtain the consent of the owner for the time being of such work, and of every repetition of such work or design made by or with the consent of the author or owner of such work.

7. Requirements of the 5th section to be complied with as to past works.

8. Act not to repeal the Ornamental Designs Acts.

9. The author of every work of fine art, and every person who, after the commencement of this act, shall make or cause to be made any picture, work of sculpture, or engraving from or after any work of fine art, whether he be a British subject or not, and his assigns, and although such work shall have been or shall be made, or for the first time sold or disposed of, in any place out of the British dominions, shall acquire copyright therein under the provisions of this act; provided the conditions herein required have been complied with in respect of such work of fine art.

10. Copyright to be personal property. Assignments, consents, licences, &c. to be in writing.

11. Copyright to be assignable by indorsement. Exemption from stamp.

12. If the author of any work of fine art in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person not being the proprietor for the time being of copyright in any work of fine art, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, or distribution, any such work, or the design thereof, or any part of such work or design, or after having received, either verbally or in writing or otherwise, from any source other than the proprietor of such copyright, knowledge that any such repetition, copy, or other imitation of such work or design, or any part thereof respectively, has been unlawfully made, or after having been served with, or had left at his premises, a written notice, signed by such proprietor or his agent, to the same effect, or by any other means knowing, or having reasonable or probable cause to believe, that any such repetition, copy, or other imitation has been unlawfully made, shall import into any part of the British dominions, or sell, publish, let to hire, distribute, or offer for sale, hire, or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, or distribution, or shall have in his possession, for any or either of these purposes, any repetition, copy, or imitation of the said work, or of the design thereof, or of any part thereof, made without such consent as aforesaid, such person, for

every such offence, shall forfeit to the proprietor of the copyright for the time being a sum not exceeding 100*l.*; and all such repetitions, copies, and imitations made without such consent as aforesaid, and all plates, blocks, moulds, dies, negatives, and other things which shall be exclusively applicable for obtaining such copies, shall be forfeited to, and be the property of, the proprietor of the copyright.

13. Forging name or monogram on work of art, or fraudulently uttering such forgery, to be a misdemeanour.

14. No person shall do, or cause to be done, any or either of the following acts; that is to say,

First, no person shall fraudulently sign or otherwise affix, or fraudulently authorise to be signed or otherwise affixed, any name, initials, or monogram upon any work of fine art:

Secondly, no person shall fraudulently sell, publish, or dispose of, or offer for sale or distribution, any work of fine art having thereon the name, initials, or monogram of a person who did not execute or make such work:

Thirdly, during the life of the author of any work of fine art, wherein there shall be no subsisting copyright, no person shall, without the consent of such author, in any manner, upon any engraving made from or after such work of fine art, or upon any repetition of the design thereof, nor upon any print or impression of any such engraving, or upon any repetition of the same, use the name of the author of such work of fine art, for the purpose of representing that such engraving or repetition has been made from or after such work of fine art, nor shall, without his consent, in any manner include or use his name, for any such purpose as aforesaid, in any prospectus or advertisement of any such engraving or repetition as aforesaid; provided that where, at the commencement of this act, there shall be or shall have been copyright in any such engraving as aforesaid, nothing herein shall prevent the proprietor or last proprietor of such copyright, notwithstanding the same may have expired, from making use of such engraving, or from using the name of such author thereon, in the same way as he might have done if this act had not been passed:

Fourthly, no person shall make or cause to be made any copy or colourable imitation of any work of fine art, whether there shall be subsisting copyright therein or not, for the fraudulent purpose of such copy being uttered or disposed of as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken:

Fifthly, no person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any copy or colourable imitation of any work of fine art, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken:

Sixthly, where the author or maker of an engraving, or any other work of fine art, made either before or after the passing of this act, shall have sold or otherwise parted with the possession of such work, if any alteration shall afterwards be made therein by any other person, by repair, addition, or otherwise, no person shall be at liberty, during the life of the author or maker of such work, without his consent, to make, or knowingly to sell or publish or offer for sale, such work, or any copies of such work, so altered as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker:

Every offender under this section shall, upon conviction, forfeit to every person aggrieved a sum not exceeding 100*l.*, or not exceeding double the full price at which all such copies, engravings, or imitations shall have been sold, published, or offered for sale, publication, or exchange.

15. Recovery of pecuniary penalties and forfeited articles in England and Ireland by action or before two justices; in Scotland by action before the Court of Session, or by summary action before the sheriff; in any other part of the British dominions, by action or suit, or by summary proceeding before any court, judge, justices, or any person having judicial authority.

16. Importation of pirated works prohibited. Application in such cases of Customs Acts.

17. Action for damages for infringement in addition to



penalties and forfeiture. Names and monograms to be considered as trade-marks, with cumulative remedy.

18. Notice of objections. At trial no objection not stated in notice to be allowed.

19. Tender of amends, &c.

20. Notice of action (one month). Limitation of actions (three months).

21. Copyright in past sculpture and engravings, notwithstanding omissions of name and date.

### DISGAVELLING OF LANDS BILL.

(MR. LYON AND SIR BROOKE BRIDGES).

*Abstract of a Bill for the voluntary disgavelling of Hereditaments of Gavelkind Tenure.*

Sect. 1. Any person now or hereafter entitled, at law or in equity, in his own right, to the only or the first vested estate of inheritance in, or entitled at law or in equity to appoint or dispose of, for an estate in fee-simple, for his own benefit, any hereditament, corporeal or incorporeal, being of the tenure of gavelkind, may by deed, in the form given in the schedule to this act annexed, or as near thereto as he finds convenient, and inrolled in her Majesty's High Court of Chancery within six months after the day of the date thereof, declare the hereditament to be thenceforth disgavelled, and the same shall thenceforth be for ever discharged of all custom of gavelkind, and all incidents thereof, and holden in free and common socage only.

2. Provided, that every such disgavelling shall be subject and without prejudice to all estates, rights, titles, interests, and powers, if any, at the time of the disgavelling, subsisting in or affecting the hereditament so disgavelled, and not defeasible by the disgaveller.

3. The power of disgavelling created by this act may be exercised not only by one person entitled in severalty, but also by several persons entitled jointly or in common.

4. Provided, that an undivided share of any hereditament shall not be disgavelled under this act, when any other undivided share thereof is not disgavelled under this act.

5. Where, under this act, any hereditament is disgavelled in equity, the corresponding legal estate therein shall thereupon also be disgavelled.

6. This act may for all purposes be cited as the Disgavelling Act, 1861.

### LAW OF FOREIGN COUNTRIES BILL.

*Abstract of a Bill (as amended in Committee) intitled "An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions."*

The preamble recites the 22 & 23 Vict. c. 63.

Sect. 1. Superior courts within her Majesty's dominions may remit a case, with queries, to a court of any foreign state with which her Majesty may have made a convention for that purpose, for ascertainment of the law of such state.

2. Court in which action depends to apply such opinion.

3. Courts in her Majesty's dominions may pronounce opinion on case remitted by foreign court.

4. Interpretation.

### MINES TRESPASSES PREVENTION BILL.

*Abstract of a Bill for the Discovery and Prevention of Trespasses and Frauds upon Landowners in Mines.*

Preamble.

Sect. 1. Short title of act.

2. Interpretation clause.

3. When there is reasonable and probable ground to suspect and believe that the owner of a mine is working beyond the boundaries thereof, an application may be made to a judge, or information laid before a county court judge or justice of the peace, who shall issue order or warrant to search.

4. Form of order or warrant.

5. Persons to whom order or warrant is addressed to permit informant to enter the mine to examine, inspect, and search; to provide the means necessary therefor; to remove obstacles; to furnish gear to lower informant into mine, and means of transit in and about mine: no objection shall be taken to information, order, or warrant; remedy where act improperly put in force.

6. Owner of mine shall keep and produce a plan or map of the workings of the mine.

7. If any person shall put this act in force unless to ascertain whether the mine has been worked beyond its boundaries, &c., he shall be liable to an action of trespass.

8. If any party shall wilfully disobey, &c. such order or warrant, he shall be liable to a penalty of 100*l*.

9. Limitation of actions.

The Queen has been pleased to appoint Samuel Brownlow Gray, Esq., to be Attorney-General for the Bermudas, or Somers Islands.

Mr. Charles Edward Pollock has been appointed tubman in the Court of Exchequer, in the place of Mr. R. Ogle.

The select committee of the House of Commons appointed to consider and report on the seven bills for the consolidation and amendment of several parts of the criminal law, which were brought in by the Solicitor-General early in the present session of Parliament (see ante, p. 76), have made their report to the House.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

J. Johnson, Redcross-street, Barbican, and Hackney-road-crescent, Hackney-road, Middlesex, and Norwich, shoe factor, May 28 at 11, London.—Alfred Mordaunt, Southampton, chemist, May 30 at half-past 11, London.—Andrew R. Eley, Chiswell-street, Middlesex, upholsterer, May 24 at 1, London.—John Richard Andrews, Tottenham-court-road, Middlesex, ironmonger, May 25 at 11, London.—John T. Green, Wandsworth, Surrey, manufacturer of materials for making paper, May 24 at 2, London.—Benjamin Cail, Maidenhead, Berkshire, land agent, May 27 at half-past 12, London.—William Bryant, Oxford-street, Middlesex, tailor, May 25 at half-past 11, London.—Jonathan Payne, Milton-street, Dorset-square, Middlesex, horse dealer, May 28 at 1, London.—William Heale the younger, Bishops Canning, Wiltshire, nurseryman, May 27 at 11, Bristol.—John R. Davidson, Eden-cottage, near Carlisle, Cumberland, builder, May 27 at 12, Newcastle-upon-Tyne.—John Davis, Manchester, manufacturer, May 28 at 12, Manchester.—Catherine Davies and Charles Fiddian the younger, Birmingham, coffin furniture manufacturers, May 27 at 11, Birmingham.—Wm. Griffin, Cradley Heath, Rowley Regis, Staffordshire, anchor maker, May 27 at 11, Birmingham.—Charles Frederick Young, Nottingham, chemist, May 28 at 11, Nottingham.—Edward Blood, Leicester, innkeeper, May 28 at 11, Nottingham.—George Pryde, Liverpool, ship chandler, May 23 at 11, Liverpool.—John Whittaker, Wrexham, Denbighshire, victualler, May 27 at 11, Liverpool.—J. Barnsley, South Wingfield, Derbyshire, hay dealer, May 25 at 10, Sheffield.—Thomas W. Finch, Braithwell, Yorkshire, grocer, May 25 at 10, Sheffield.

*To be granted, unless an Appeal be duly entered.*

George T. Marns, Arbour-place, Fairfields, Stepney, Middlesex, ropemaker.—James Willats, Finsbury-pavement, City, upholsterer.—Joseph Trevelthan, Oak-lane, Church-row, Limehouse, Middlesex, packing-case manufacturer.—John Burk Stedman, Cinderford, East Dean, Gloucestershire, surgeon.

### PARTNERSHIPS DISSOLVED.

Thomas Avison and Wm. Radcliffe, Liverpool, attorneys-at-law.—J. B. Holroyde and John Cronheim, Halifax, Yorkshire, attorneys and solicitors.

### SCOTCH SEQUESTRATIONS.

Alexander Macphail, Brodie Mills, near Forres, miller.—Wm. Hunter, deceased, Glasgow, timber merchant.—T. M. Drysdale, Glasgow, manufacturer.—A. Leitch, Wick, Caithness-shire, grocer.—Walter Henderson, Kelso, draper.—D. Sym, deceased, Port Dundas-road, near Glasgow, toll-keeper.—Alexander Gray, Glasgow, cabinet maker.—A. C. Byrne,



Glasgow and Kilmorie, Ayrshire, net manufacturer.—*Alexander M' Laren*, Glasgow, hotel keeper.

## TUESDAY, May 7.

### BANKRUPTS.

**WILLIAM MATTHIAS BRUSTER**, Swansea, Glamorgan-shire, letter-press printer, May 16 at 1, and June 15 at 11, London: Off. Ass. Bell; Sol. Vining, 2, Moorgate-street, London.—Pet. f. May 3.

**HENRY CARTER**, St. Clement's, Oxfordshire, painter and plumber, May 21 at 2, and June 20 at 12, London: Off. Ass. Johnson; Sol. Stubbs, 46, Moorgate-street.—Pet. f. May 4.

**GEORGE ELLIOTT**, Farnham, Surrey, blacksmith, May 17 at half-past 12, and June 21 at 1, London: Off. Ass. Whitmore; Sol. Spiller, 3, South-place, Finsbury.—Pet. f. May 4.

**JOHN PHIBBY**, Brudenell-place, New North-road, Shoreditch, Middlesex, dealer in hams, May 17 at half-past 11, and June 21 at half-past 1, London: Off. Ass. Whitmore; Sol. Beakem & Sons, 21, Northampton-square.—Pet. f. May 6.

**ROBERT PRATT**, Great Yarmouth, Norfolk, bricklayer, May 21 at 12, and June 12 at 2, London: Off. Ass. Graham; Sols. Chamberlin, Great Yarmouth; Storey, 6, King's-road, Bedford-row, London.—Pet. f. May 4.

**CHARLES BAILEY** and **HENRY JOHN HUNT SKINNER**, Colchester, Essex, and Lime-street, City, manufacturing chemists, May 17 and June 24 at 1, London: Off. Ass. Pennell; Sols. Amory & Co., 25, Throgmorton-street, and Baylis, Church-court-chambers, Old Jewry, London.—Pet. f. May 6.

**GEORGE TODD** the younger, Cheyne-walk, Chelsea, Middlesex, builder, May 17 at half-past 1, and June 19 at half-past 11, London: Off. Ass. Pensell; Sols. Greville & Tucker, 28, St. Swin's-lane, London.—Pet. f. April 9.

**GEORGE ROYCE**, Duddington, Northamptonshire, miller, May 21 at 1, and June 25 at 12, London: Off. Ass. Edwards; Sols. Law, Stamford, Lincolnshire; Wright & Bonner, 15, London-street, Fenchurch-street, London.—Pet. f. May 7.

**WILLIAM ASBURY**, Birmingham, engineer, May 17 and June 6 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. d. May 3.

**MORGAN MORGAN**, Gelligale, near Pontypridd, Glamorganshire, grocer, May 27 and June 18 at 11, Bristol: Off. Ass. Miller; Sols. Simons & Morris, Swansea; Henderson, Bristol.—Pet. f. April 25.

**JOHN HICKSON**, Sheffield, Yorkshire, builder, May 18 and June 15 at 10, Sheffield: Off. Ass. Brewin; Sol. Broadbent, Sheffield.—Pet. d. and f. May 4.

**SAMUEL WOOD**, Liverpool, broker, May 17 and June 10 at 11, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. May 3.

**CHARLES ARMSTRONG**, Salford, Lancashire, hotel keeper, May 17 and June 5 at 12, Manchester: Off. Ass. Fraser; Sols. Slater & Myers, Manchester.—Pet. f. April 26.

### MEETINGS.

*Bernard Aal*, Lambeth-street, Goodman's-fields, White-chapel, Middlesex, tailor, May 17 at 12, London, last ex.—*Henry Foulkes*, John-street, Union-street, Kennington-road, Surrey, cab proprietor, May 17 at 11, London, last ex.—*Neville Braune*, Fleet-street, City, hotel keeper, May 17 at 12, London, last ex.—*Robert Barrie*, York-street, Covent-garden, Middlesex, builder, May 30 at 1, London, aud. ac.—*Benjamin Humphry Nichols*, Wilbarston, Northamptonshire, innkeeper, May 30 at 2, London, aud. ac.—*John Gibbs*, Church-street, Hackney, Middlesex, licensed victualler, May 17 at half-past 11, London, aud. ac.—*William Hutchins*, Neath, Glamorganshire, butcher, May 23 at 11, Bristol, aud. ac.—*William Toden*, Gloucester, ship broker, May 31 at 11, Bristol, aud. ac.—*George Godsell*, Wotton-under-Edge, Gloucestershire, tailor, May 17 at 11, Bristol, aud. ac.—*William Popham Davis*, Cardiff, Glamorganshire, slate merchant, May 25 at 11, Bristol, aud. ac.—*Frederick T. Goodall*, Manchester, money scrivener, June 4 at 12, Manchester, aud. ac.; June 11 at 12, div.—*Thomas Dallow* and *Henry Biggs*, Wolverhampton, Staffordshire, tin-plate workers, June 6 at

11, Birmingham, aud. ac.; June 31 at 11, div.—*J. Nicholson*, Liverpool, leather dealer, May 17 at 12, Liverpool, aud. ac.; May 29 at 11, div.—*Rowland W. Connell*, Liverpool, dealer in teas, May 22 at 11, Liverpool, aud. ac.; May 29 at 11, div.—*John Scerah*, Pontefract, Yorkshire, seed merchant, May 17 at 11, Leeds, aud. ac.—*Jonathan Craven*, Birstal, Yorkshire, stuff manufacturer, May 17 at 11, Leeds, aud. ac.—*Charles Hargreaves* and *Michael Hargreaves*, Bradford, Yorkshire, whitesmiths, May 17 at 11, Leeds, aud. ac.—*John Vokins* and *Wm. Hard*, Jubilee-place, Chelsea, Middlesex, horticultural builders, May 29 at half-past 1, London, div. sep. est. of *John Vokins*.—*Silvano Francisco Lius Pereira* and *John Grant*, Great Tower-street, City, wine merchants, May 29 at half-past 11, London, div.—*Thomas R. Lewis*, Gould-square, Crutched-friars, City, merchant, May 29 at half-past 11, London, div.—*James Ford* and *Edward Young*, North Portman-mews, Portman-square, and York-street, St. Marylebone, Middlesex, cabinet manufacturers, May 29 at half-past 1, London, div.—*Ambrose Skinner*, Camberwell-green, Lambeth, and Denmark-hill, Dulwich, Surrey, coachbuilder, May 31 at 1, London, div.—*Richard Buttle*, Long-acre, Middlesex, tailor, May 29 at half-past 12, London, div.—*Anthony Harris*, Sevenoaks, Kent, licensed victualler, May 29 at half-past 12, London, div.—*Robert Smith*, Harwood-place, Hampstead-road, Middlesex, builder, May 31 at 2, London, div.—*Emanuel Jacobs*, Long-lane, West Smithfield, City, stationer, May 31 at 1, London, div.—*George T. Marns*, Arbour-place, Fairfields, Stepney, Middlesex, ropemaker, May 31 at 11, London, div.—*William Clayards*, Conway-mews, Hampstead-street, Fitzroy-square, Middlesex, dealer in horses, May 31 at 11, London, div.—*Thomas K. Scotthorn*, Northampton, leatherseller, May 31 at 12, London, div.—*Elizabeth Lynn Moore*, widow, and *Joseph Lynn Moore*, Dorking, Surrey, carpenters, May 31 at 12, London, div.—*Alfred Bowles*, Ipswich, Suffolk, muscoseller, May 31 at 2, London, div.—*Jeremiah Tunnicliffe*, Shelton, Staffordshire, retail brewer, June 21 at 11, Birmingham, div.—*George Taylor*, West Bromwich, Staffordshire, timber merchant, June 21 at 11, Birmingham, div.—*Philip Walters*, Wolverhampton, Staffordshire, auctioneer, June 21 at 11, Birmingham, div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Wm. Smith* and *Robert W. Sinclair*, Pancras-lane, City, linen factors, May 31 at 11, London.—*John Dyer Hodges*, Landport, Hampshire, builder, May 31 at 1, London.—*Wm. Reed*, Salisbury-place, Lock's-fields, Waltham, Surrey, carman, May 31 at 12, London.—*Wm. Fairey*, Bedford, provision merchant, May 31 at half-past 12, London.—*Thomas Spicer*, Little Britain, City, oil and colour man, May 28 at 1, London.—*Robert Green Grimes*, High-street, Poplar, and Golden-lane, Old-street, Middlesex, licensed victualler, May 29 at 2, London.—*Wm. Goulding*, Upwell, Norfolk, grocer, May 29 at half-past 12, London.—*David Phillips*, Neath, Glamorganshire, grocer, May 28 at 11, Bristol.—*Alexander P. Standing*, Rochdale, Lancashire, ironfounder, May 31 at 12, Manchester.—*Samuel Deighton*, Preston, Lancashire, draper, May 31 at 12, Manchester.—*Thomas Dartington*, Grimshill, near Shrewsbury, Shropshire, innkeeper, June 7 at 11, Birmingham.—*Joseph W. Adlington*, Oldbury, Worcestershire, ironmaster, June 7 at 11, Birmingham.—*George Abbott*, Birmingham, machinist, June 6 at 11, Birmingham.—*Wm. Probert*, Worcester, hop dealer, June 7 at 11, Birmingham.—*Wm. Buxton*, Liverpool, butcher, May 29 at 11, Liverpool.—*Henry Weatherill*, Kingston-upon-Hull, coachbuilder, June 5 at 12, Kingston-upon-Hull.—*Wm. Monday*, Kingston-upon-Hull, coal merchant, June 5 at 12, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*James O. Kent*, Waterloo-place, Limehouse, Middlesex, draper.—*John S. Marshall*, Billiter-street, City, shoe factor.—*James Harp*, Hanley, Staffordshire, innkeeper.—*John Dutton*, Walsall, Staffordshire, grocer.—*Wm. Dunn*, Burslem, Staffordshire, grocer.

### SCOTCH SEQUESTRATIONS.

*Wm. Buchanan*, Glasgow, house factor.—*John Vicars*, Devonside, Tilticoutry, woolspinner.—*James Jamieson*, Glasgow, straw-hat manufacturer.

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## GAZETTES.—FRIDAY, May 10.

## BANKRUPTS.

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**JOSEPH PICKERING**, Suffolk-street, Mile-end, Middlesex, and Mark-lane, City, manufacturing chemist (trading under the style or firm of Pickering & Co.), May 23 at 11, and June 27 at 12, London: Off. Ass. Bell; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. May 8.

**JOHN EATON**, Attleborough, Norfolk, auctioneer, May 24 at 12, and June 20 at 11, London: Off. Ass. Boll; Sols. Treherne & White, 13, Barge-yard-chambers.—Pet. f. May 7.

**THOMAS COLLEY**, Princes-street, Westminster, Middlesex, grocer, May 24 at 11, and June 21 at 12, London: Off. Ass. Cannan; Sols. Wright & Bonner, 15, London-street, Fenchurch-street.—Pet. f. May 0.

**ABRAHAM HARRIS**, Railway-place, Shoreditch, Middlesex, tobaccoist, May 23 at half-past 1, and June 21 at 11, London: Off. Ass. Cannan; Sols. Sorrell, 19, Mark-lane; Ashley & Tea, 7, Old Jewry.—Pet. f. May 2.

**JOHN SMITH, PATRICK O'NEILL, and HENRY DAW LEAMAN**, Russia-row, Milk-street, City, warehousemen, May 21 at 1, and June 19 at 12, London: Off. Ass. Graham; Sols. Harrison & Lewis, 6, Old Jewry.—Pet. f. May 9.

**JOHN MILLER**, Chandos-street, Covent-garden, Middlesex, bookseller, May 21 at half-past 2, and June 21 at 1, London: Off. Ass. Edwards; Sol. Nicholson, 48, Lime-street, City.—Pet. f. May 8.

**JOHN FREDERIC RUFFLE**, Coleman-street, City, bill discounter, May 21 at 2, and June 25 at 1, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. May 7.

**EDWARD RICHARDS SHERREN**, Richmond-villas, Westbourne-grove North, Bayswater, Middlesex, builder, May 21 at 11, and June 25 at 2, London: Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers, City.—Pet. f. May 9.

**SAMUEL HARVEY**, Birmingham, gold and silver chain manufacturer, May 23 and June 21 at 11, London: Off. Ass. Whitmore; Sols. Hodgson & Allen, Birmingham.—Pet. d. May 8.

**LOUIS SIMON**, Nottingham, manufacturer, May 21 and June 18 at 11, Nottingham: Off. Ass. Harris; Sol. Solory, Nottingham.—Pet. d. May 7.

**WILLIAM DAWSON**, Nottingham, innkeeper, May 21 and June 18 at 11, Nottingham: Off. Ass. Harris; Sols. Cowley & Everall, Nottingham.—Pet. d. May 7.

**GEORGE ELSTON**, Crediton, Devonshire, shoe manufacturer, May 22 and June 26 at 1, Exeter: Off. Ass. Hirtzel; Sols. Cleave & Sparkes, Crediton.—Pet. f. May 6.

**GEORGE MILNE**, Plymouth, Devonshire, draper, May 27 and June 24 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Elworthy & Co., Plymouth.—Pet. f. May 7.

**DAVID DEAN CALVERT**, Holbeck, Leeds, Yorkshire, scribbler, May 27 and June 17 at 11, Leeds: Off. Ass. Hope; Sols. Ferns & Rooke, Leeds.—Pet. d. May 8.

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**JOSEPH THOMPSON**, Wakefield, Yorkshire, worsted spinner, May 24 and June 14 at 11, Leeds: Off. Ass. Brewin; Sols. Taylor, Wakefield; Bond & Barwick, Leeds.—Pet. d. May 7.

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**WILLIAM BREW**, Liverpool, tailor, May 22 and June 13 at 11, Liverpool: Off. Ass. Morgan; Sol. Warship, Liverpool.—Pet. f. May 9.

**WILLIAM CRABB and JOHN COUCH CRABB**, Oldham and Blackley, Lancashire, cotton spinners, May 30 and June 20 at 12, Manchester: Off. Ass. Hernaman; Sols. Radcliffe & Murray, Oldham; Slater & Myers, Manchester.—Pet. f. May 2.

**LANE COOKE and MATTHEW COOKE**, Moorsley Banks, Durham, paper manufacturers (carrying on business under the style or firm of L. & M. Cooke), May 17 at 12, and June 19 at half-past 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., 30, Southampton-buildings, Chancery-lane, London, and Newcastle-upon-Tyne.—Pet. f. May 8.

## MEETINGS.

**Thomas Laurence and Wm. Mortimore**, St. Mary-axe, City, leather factors, May 21 at half-past 2, London, pr. d.—**Thomas Williams Home**, Pelham-terrace, Brompton, Middlesex, hotel keeper, May 25 at 11, London, and. ac.; May 31 at 12, div.—**Frederick Tillet**, Banner-street, St. Luke's, spiral flambeaux manufacturer, and Wellington-road, Bethnal-green, Middlesex, timber merchant, May 23 at 11, London, and. ac.—**Edwin Kirt**, Lindfield, Sussex, publican, May 23 at 12, London, and. ac.—**Carter Boddington**, St. Martin's-lane, Westminster, Middlesex, worsted dealer, May 23 at 11, London, and. ac.—**Henry James Vanzoolen Rogers** and **Alfred Gladstone**, Billiter-street, City, shipbrokers, May 23 at 12, London, and. ac.—**Edward Hollis**, St. Paul's-road, Bow-common, Middlesex, manufacturing chemist, May 23 at half-past 11, London, and. ac.—**J. Beck Miter**, Norman's-buildings, St. Luke's, Middlesex, dyer, and Maiden-lane, Queen-street, City, packer, May 23 at 12, London, and. ac.—**Henry Dray**, Tunbridge, Kent, miller, May 23 at half-past 11, London, and. ac.—**John Hunt**, Edgware-road, Middlesex, draper, May 23 at 12, London, and. ac.—**Jonathan Payne**, Milton-street, Dorset-square, Middlesex, horse dealer, May 23 at 1, London, and. ac.—**William Brown**, Cannock, Staffordshire, miller, May 27 at 11, Birmingham, and. ac.—**William Chas. Foulkes**, Birmingham, draper, June 3 at 11, Birmingham, and. ac.—**Charles Humphrey Cox**, Leamington Priors and Coventry, Warwickshire, jeweller, June 3 at 11, Birmingham, and. ac.—**Joseph Wood and James Wood**, Allerton, Bradford, Yorkshire, spinners, May 23 at 11, Leeds, and. ac.—**James Booth the younger**, Bromley, Yorkshire, worsted manufacturer, May 23 at 11, Leeds, and. ac.—**Jonathan Hainsworth**, Halifax, Yorkshire, plumber, May 23 at 11, Leeds, and. ac.—**Alexander M'Millan and Wm. Blackburn**, Star-court, Broad-street, Cheapside, City, woollen warehousemen, May 23 at 11, Leeds, and. ac.—**William Skinner**, Redcar, Yorkshire, innkeeper, June 3 at 11, Leeds, and. ac. and div.—**John Yaxley**, Providence-yard, Vauxhall-bridge-road, Westminster, Middlesex, farrier, May 31 at 11, London, div.—**Cleeve Woodward Hooper and H. Parkinson**, Seething-lane, City, leather factors, May 31 at 2, London, div. sep. est. of **Cleeve Woodward Hooper**.—**Aaron Martin Cramp Hodgman**, Isle of Thanet, Kent, miller, May 31 at 1, London, div.—**Wm. Smith**, Tabernacle-row, Finsbury, Middlesex, carpenter, June 4 at 12, London, div.—**Walter Faithfull**, Ironmonger-lane, City, linen agent, June 4 at 1, London, div.—**Wm. Cooper**, Cheriton, near Aylesford, Southampton, builder, June 4 at 12, London, div.—**William Price Waghorn**, Tatsfield, Surrey, grocer, June 3 at 1, London, fin. div.—**Gustave John Parry**, Brabant-court, Philpot-lane, City, merchant, May 31 at 2, London, div.—**Henry Robert English**, Brierley-hill, Staffordshire, licensed victualler, June 10 at 11, Birmingham, and. ac. and div.—**Jackson Southcard**, Liverpool, printer, June 3 at 11, Liverpool, div.—**Charles Phillips Edney and Alfred Rains**, Liverpool, wholesale druggist, June 3 at 11, Liverpool, fin. div.—**Joe Sutcliffe**, Scarborough, Yorkshire, upholsterer, June 3 at 11, Leeds, and. ac. and div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

**James H. Gates**, Manor-street, Clapham, Surrey, builder, May 31 at 2, London.—**Daniel W. Butchart**, Wardour st., Soho, Middlesex, leather seller, May 31 at half-past 11, London.—**John Brooksbank**, King-street, Clerkenwell, Middlesex, brush-board cutter, May 31 at half-past 1, London.—**John Denton**, Wm. Denton, and **John Denton the younger**, Dartmouth-park, Forest-hill, Kent, builders, May 31 at half-past 11, London.—**Edward Rowland**, Coleman-street, New North-road, Middlesex, builder, May 31 at half-past 11, London.—**W. T. Bellingham**, Gresham-street, City, auctioneer, June 1 at 12, London.—**Thomas Wood**, Colchester, Essex, builder, June 1 at 12, London.—**George Stevens**, Great St.

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## THE JURIST.

LONDON, MAY 18, 1861.

THE improvement of the science of public international law, otherwise called the law of nations, has long occupied the attention of philosophers, jurists, and statesmen. Several steps for this purpose were taken by the Congress held at Paris in 1856, on the termination of the last European war, on which occasion a declaration respecting maritime law was made by the Powers among whom peace had recently been concluded by the Treaty signed on the 30th March, 1856. That declaration, dated the 16th April, 1856, provides as follows:—

- "1. Privateering is and remains abolished.
  - "2. Neutral flag covers enemy's goods, except contraband of war.
  - "3. Neutral merchandise, except contraband of war, is not seizable under enemy's flag.
  - "4. Blockades, to be obligatory, must be effective—that is to say, maintained by a force sufficient effectually to prevent access to the enemy's coast."
- [“1. La course est, et demeure abolie.  
“2. Le pavillon neutre couvre la marchandise ennemie, à l'exception de la contrebande de guerre.  
“3. La marchandise neutre, à l'exception de la contrebande de guerre, n'est pas saisissable sous pavillon ennemi.  
“4. Les blocus, pour être obligatoires, doivent être effectifs, c'est à dire, maintenus par une force suffi-

sante pour interdire réellement l'accès du littoral de l'ennemi.”]

But as this declaration could bind only the seven Powers who were parties to it—namely, Austria, France, Great Britain, Prussia, Russia, Sardinia, and Turkey—a clause was inserted that other nations should be invited to adopt it, which some accordingly have done. The United States of America, however, held out, declaring that they could not adopt the article against privateering unless a further condition were introduced, namely, that all private property not contraband of war, even though of an enemy, should be exempted from capture at sea. This notion has also gained adherents in this country, and in the session of Parliament of last year a committee of the House of Commons, appointed to inquire into the state of merchant shipping, reported in its favour. (See 6 Jur., N. S., part 2, pp. 361-3). Moreover, early in the present session a notice of motion relative to beligerent rights at sea was given in the House of Commons by Mr. Horsfall, the object of which was to raise the above and some other questions. Before, however, this motion came on, the civil war which now unhappily prevails in the United States of America broke out, the effect of which has been to direct unusual attention to this and many other questions of international law.

The dispute is this:—Seven of the United States have declared their intention of seceding from the Union, and forming themselves into a separate confederation. Their right to do so, perhaps under any circumstances, but at all events under those actually

existing, is denied by the federal government, and both sides have had recourse to arms to enforce their respective views. Among other hostile measures, the President of the United States has declared the ports of the Confederate States in a state of blockade; and those States have had recourse to the old system of privateers; in answer to which the President has declared that the crews of such privateers will be dealt with as pirates.

In this state of affairs, the time for the discussion of Mr. Horsfall's motion having arrived, one of the leading members of the opposition, Mr. Walpole, strongly put it to the honourable gentleman whether he would persevere in it at a juncture so eminently unseasonable. This was seconded by the Government, which declared that if the motion were persisted in, none of its members would take any part in the discussion. To these remonstrances Mr. Horsfall discreetly submitted, and withholds his motion for the present.

Under these circumstances it became the duty of our Government officially to make public its views in the matter. Having recently declared in Parliament that, while regretting the existence of the war, it was their intention to observe a strict neutrality, and not to interfere between the contending parties, even by offering advice, they have now spoken more distinctly by a royal proclamation which appeared in the last *Gazette*. It commences as follows:—

**"By the Queen.—A Proclamation.**

**"Victoria R.—Whereas we are happily at peace with all sovereigns, powers, and states:**

**"And whereas hostilities have unhappily commenced between the Government of the United States of America and certain States styling themselves the Confederate States of America:**

**"And whereas we, being at peace with the Government of the United States, have declared our royal determination to maintain a strict and impartial neutrality in the contest between the said contending parties:**

**"We therefore have thought fit, by and with the advice of our Privy Council, to issue this our royal proclamation."**

This, it will be observed, carefully avoids, on the one hand, recognising the confederate States as a government either *de jure* or *de facto*, and, on the other, committing this country to any judgment as to whether these States are or are not rebels against the federal government. It simply admits that there is war going on in the United States of America—a state of belligerency being a fact which it would be idle to pretend to ignore. The proclamation goes on—

**"We do hereby strictly charge and command all our loving subjects to observe a strict neutrality in and during the aforesaid hostilities, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril."**

It then sets out the provisions of the Foreign Enlistment Act, 59 Geo. 3, and proceeds as follows:—

**"Now, in order that none of our subjects may unlawfully render themselves liable to the penalties imposed by the said statute, we do hereby strictly command that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said statute, upon pain of the several penalties by the said statute imposed, and of our high displeasure.**

**"And we do hereby further warn all our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our royal proclamation, and of our high displeasure, to do any acts, in derogation of their duty as subjects of a neutral sovereign, in the said contest, or in violation or contravention of the law of nations in that behalf; as, for example, and more especially, by entering into the military service of either of the said contending parties as commissioned or non-commissioned officers or soldiers; or by serving as officers, sailors, or marines on board any ship or vessel of war, or transport, of or in the service of either of the said contending parties; or by serving as officers, sailors, or marines on board any privateer bearing letters of marque of or from either of the said contending parties; or by engaging to go or going to any place beyond the seas with intent to enlist or engage in any such service, or by procuring or attempting to procure, within her Majesty's dominions at home or abroad, others to do so; or by fitting out, arming, or equipping any ship or vessel to be employed as a ship of war or privateer or transport by either of the said contending parties; or by breaking or endeavouring to break any blockade lawfully and actually established by or on behalf of either of the said contending parties; or by carrying officers, soldiers, despatches, arms, military stores, or materials, or any article or articles considered and deemed to be contraband of war, according to the law or modern usage of nations, for the use or service of either of the said contending parties; all persons so offending will incur and be liable to the several penalties and penal consequences by the said statute, or by the law of nations, in that behalf imposed or denounced.**

**"And we do hereby declare that all our subjects and persons entitled to our protection, who may misconduct themselves in the premises, will do so at their peril, and of their own wrong, and that they will in nowise obtain any protection from us against any liabilities or penal consequences, but will, on the contrary, incur our high displeasure by such misconduct.**

**"Given at our Court at the White Lodge, Richmond Park, this 13th day of May, in the year of our Lord 1861, and in the twenty-fourth year of our reign.**

**"GOD SAVE THE QUEEN."**

This proclamation seems drawn up with great care. It will be observed that it does not rely on the Foreign Enlistment Act only, but likewise appeals to the law of nations and the common law of the realm, and certainly gives the most ample warning against any interference in the contest that is going on in the United States of America. But we are not without apprehension that, notwithstanding the warning given by this proclamation (or indeed any other that the wit of man could devise), individuals will be found to enter the service of one or other of the contending parties; and that others will do what is far more dangerous to the peace of this country, attempt to



break the blockade established by the federal government, and, if captured, shelter themselves under the pretence that it was not effective, claim the protection of the British Government, and do all that in them lies to involve us in a war. Whether a blockade is *effective* must, indeed, ever be a question of fact: but we trust that our Government, having given the above decisive warning, will—while acting strictly on the declaration of 1856 respecting maritime war (which in its article respecting blockades seems only declaratory of the pre-existing law of nations)—be slow in listening to complaints of supposed outrages against British persons or property, will investigate all such with the utmost calmness and circumspection, and will carry out to the utmost the wise and just resolution enunciated in the proclamation—to leave all those who disobey it to reap the penalties of their inconsiderate, if not unprincipled, conduct.

### CONCENTRATION OF THE COURTS.

THE first step has been taken by the Government towards carrying out the report of the commissioners, under the commission issued in 1858, for the purpose of inquiring into the expediency of bringing together into one place or neighbourhood all the superior courts of law and equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various offices belonging to the same, and into the means which existed or might be supplied for providing a site or sites, and for erecting suitable buildings for carrying out the above objects; which report will be found at length in the last volume of *THE JURIST* (part 2, pp. 290 et seq.) A bill has been introduced into the House of Commons by Mr. Cowper and Sir William Dunbar, intitled "A Bill to enable the Commissioners of Her Majesty's Works to acquire a Site for the Erection of Courts of Justice, and of the various Offices belonging to the same." After reciting the commission and the report of the commissioners, it proposes to incorporate certain commissioners (sect. 2), whom it empowers to purchase certain specified lands (sect. 4), and incorporates with its own provisions those of the *Lands Clauses Consolidation Act, 1845*, and the 23 & 24 Vict. c. 106, except sects. 16, 17, and 85 of the former, so far as relates to surteties (sect. 6). The limit for the compulsory purchase of land is to be *five years* (sect. 9); and the commissioners are to be empowered to pull down and remove any buildings on the prescribed lands, and construct thereon such buildings and works, and do all such other things, as may in their opinion be necessary or expedient in order to carry into effect the purposes of the act, or any of them (sect. 10). No purchase to be made without the consent in writing of the Treasury; but it shall not be necessary for any vendor or any purchaser from the commissioners to ascertain that such assent has been given; nor shall the commissioners be bound to produce to any such vendor or purchaser any evidence of such assent; and any such assent may be given either generally, or for any particular purchase or purchases, as to the Commissioners of the Treasury may as aforesaid seem meet (sect. 11). All orders in relation to any money paid into the Bank of England in the name and with the privity of the Accountant-General of the Court of Chancery under this act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities which under this act the Court of Chancery is empowered to make or give on motion or petition, shall be made or given by the Master of the Rolls or any of the Vice-Chancellors, while sitting at chambers, upon summons, in like manner as in other

cases in which proceedings may be so had before the Master of the Rolls and Vice-Chancellor, subject nevertheless to any General Rules and Orders which may hereafter be made concerning the practice, proceedings, or business of the court (sect. 13). If any person wilfully obstruct any person acting under the authority of the commissioners in the lawful exercise of the powers vested in them under this act, he shall forfeit a sum not exceeding 5*l.* for every such offence, to be recovered in a summary manner (sect. 14). No instrument by, to, or with the commissioners shall be subject to stamp duty (sect. 15); and every conveyance, assignment, or other deed or instrument, whereby any land by this act authorised to be purchased is conveyed or assigned to the commissioners for the purposes of this act, shall be inrolled amongst the records of her Majesty's Court of Exchequer, and entered in the books of the commissioners; and every such conveyance, assignment, or other deed or instrument, when so inrolled, shall, without any other inrolment or acknowledgment thereof, and without any registry thereof, be good and available in law (sect. 16). And, lastly, a copy of the plans of the prescribed lands, signed by one of the Commissioners of her Majesty's Treasury, shall be deposited at the office of the Commissioners of her Majesty's Works and Public Buildings, and shall remain at the office, to the end that all persons may, at all reasonable times, on payment of a fee of 1*s.*, have liberty to inspect the same (sect. 17).

The bill contains some other provisions, but the above are the principal.

### Rebels.

*Suggestions on the Copyright (Works of Art) Bill, now pending in the House of Commons. By D. ROBERTON BLAINE, of the Middle Temple, Barrister-at-Law, Author of "The Laws of Artistic Copyright, and their Defects." 8vo., pp. 25. [Hardwicke.]*

THE bill now in the House of Commons has been founded on the recommendations of the committee appointed by the Society of Arts in 1857 to inquire on the subject of artistic copyright. Mr. Blaine was a member of that committee, and was, with some other members, in a minority in favour of registration as a condition precedent to copyright. The report of the committee, with Mr. Blaine's protest, will be found in *THE JURIST* (vol. 4, N. S., part 2, p. 168). Mr. Blaine's preliminary report on the legal bearings of the subject is set forth in the same volume at p. 86.

The objections of the majority of the committee to the condition of registration were substantially these—that it would impose on an artist the burthen of sending to London for registration every work tendered for exhibition, and every sketch in his portfolio; that it would make it impossible to grant a copyright in existing works; that it would encourage piracies and frauds in case of any slip in the registry; that the purchaser of a work of art is more interested in the copyright than the artist; and that artists are not men of business. The futility, not to say foolishness, of these objections is sufficiently obvious; and we quote the following observations from Mr. Blaine's pamphlet, not so much in answer to the report of the Society of Arts' committee, as for the purpose of shewing the great importance, or rather the absolute necessity, of making registration a condition of copyright in works of art:—

"For purposes of evidence the register is invaluable in cases which arise either as to the originality of the design, the proprietorship, or the piracy of the work.



"Now, with reference to the advantages of registration of designs for works of fine art, suppose the case of an artist selling his picture, and reserving to himself the copyright. The work is pirated. He brings his action for damages. To prove his case, the first step will be to shew what his picture is that he alleges has been pirated. As the bill is now framed, this must be done by the best evidence—that is, either by producing the picture, or, after satisfactorily accounting for its non-production, giving secondary evidence of it. The delay, expense, danger, and perhaps impossibility of thus proving the plaintiff's case would often be such as to render the copyright valueless to the artist.

"Take another case. Suppose A. signs, and then sells, his picture to B. without the copyright. Years elapse. A. dies, and the picture comes to the hands of C. without any signature upon it, and without, perchance, his being able to ascertain who painted it. C. engraves the picture, and A.'s executors sue him for piracy of the design. According to the present bill, the foundation of the action would depend on proving that the picture was signed by A. as required by the statute. How is this to be done? The fact may only have been known to A. and B. The former is dead, and the latter may have a strong interest in denying that the picture ever was signed.

"With a system of registration such difficulties of proof might be entirely obviated. Under the Ornamental Designs Act the registrar's certificate is declared, 'in the absence of evidence to the contrary,' to be sufficient proof of the originality of the design and all the other facts requisite to establish the original proprietor's case, except, of course, the piracy complained of.

"A department for the registration of works of fine art might easily be added to the Useful and Ornamental Designs Office, the staff of which would doubtless be found amply sufficient for the additional duties thus imposed. The fees on registration would also prove a source of revenue in aid of the expenses of that office," (p. 13).

"As the bill stands, the condition imposed upon a foreign artist is the signing his name or monogram upon his work. Suppose it becomes erased, or that the author is not generally known, without registration how is the existence of any copyright in the work to be ascertained? And, especially, how are the interests of the British public to be protected in ascertaining the termination of such copyright?

"Under sect. 10, it also seems very desirable, considering the extensive and various descriptions of copyright proposed to be given to the authors of new and original works, that every first assignment of the copyright, or license to use it, should be registered. Without such protection, a careless or unprincipled proprietor of copyright might assign it, or grant a license for the same application of the design to more than one person, thus occasioning much mischief, loss, and inconvenience.

"As to sect. 12, this highly penal enactment against copying or selling a copy of a copyright work without the consent of the proprietor of such right seems unjust, in the absence of a proper system of registration, such as that established under the Useful and Ornamental Designs Act. As the bill stands, suppose the case of A. buying a picture at a public sale, from which the author's signature has been obliterated, either designedly or by accident. Finding no signature upon the work, A. concludes the author never intended to claim copyright in it. A. therefore engraves the picture.

"In the absence of a system of registration, would

it be just to make either A. or the auctioneer liable for penalties under this section?

"To some extent the same observations also seem to apply to sect. 16," (p. 24).

The following suggestions are worthy of attention:—

"Assume that the author signs his sketches and studies for a picture, or any of them, and also his finished work; in respect of which would the copyright exist? In such a case surely it ought to be only in the finished work, verified and identified by registration. This should be accompanied by a provision in the bill, that the author, either before or after having sold his registered work, or the copyright therein, should be at liberty to sell unfinished sketches and studies for such work, without prejudice to the copyright therein, and that the unlawful copying of such sketches, &c. should be deemed a piracy of the copyright in the finished work, and the design thereof, or of any part of such design.

"As the bill stands, assuming an artist sells all his copyright in a picture, and makes no special contract that he shall be at liberty to sell his sketches, his doing so would be an act of piracy of the copyright he has sold, and thus he would be deprived of the pecuniary advantage of a considerable portion of his labour, the full benefit whereof ought to be secured to him," (p. 19).

"Another serious defect in the bill, in its present form, is, that it makes no provision for those cases in which the employer is justly entitled to be deemed the proprietor of the copyright, instead of the artist, by reason of the latter having been employed to execute a particular work," (p. 20).

"As to portraits, pictures which artists know are commissioned for the purpose of being engraved, engravings of all kinds, and many most costly works, the designs for which are commissioned by silversmiths and others, it is especially of importance that the employer should be deemed the proprietor of the copyright," (p. 21).

"It also seems desirable by the present bill to make some provision as to the copyright in woodcuts and other illustrations of literary works. Talfourd's Copyright Amendment Act is silent on the subject of such engravings. In one case, decided in Chancery, it was held that they formed part of the book in which they appeared; but the law upon the subject cannot be considered as settled. How will the bookseller's copyright in such works be affected by the present bill; also the proprietors of illustrated newspapers and other periodicals; and what is the term of copyright which the authors of such illustrations or their employers are to have, whether the illustrations are published with letter-press or separately? It seems to be very desirable to decide these questions by adequate legislation upon the present occasion, instead of leaving them to be determined by litigation, the expense of which often deters persons from vindicating their rights," (p. 23).

#### BOOKS RECEIVED.

An Essay on Real Assets, or the Payment of the Debts of a Deceased Person out of his Real Estate, and the Means by which that Payment ought to be accomplished. By Joshua Williams, Esq., of Lincoln's Inn, Barrister-at-Law. 8vo., pp. 167.—Sweet.

Collieries and Colliers, a Hand-book of the Law and Leading Cases relating thereto. By John Coke Fowler, Esq., of the Inner Temple, Barrister-at-Law, and Stipendiary Magistrate for the District of Merthyr Tydfil and Aberdare. Post 8vo., pp. 366.—Longmans.

Suggestions on the Copyright (Works of Art) Bill, now pending in the House of Commons. By D. Robertson Blaine, of the Middle Temple, Barrister-at-Law, Author of "The Laws of Artistic Copyright, and their Defects." 8vo., pp. 25.—Hardwicke.

### Court Papers.

#### SITTINGS IN TRINITY TERM, 1861.

##### Court of Chancery.

###### Before the LORD CHANCELLOR.

###### At Lincoln's Inn.

Wednesday, May 23	Appeal Motions and Appeals.
Thursday .....	23 Petitions and Appeals.
Friday .....	24
Saturday .....	25
Monday .....	27 } Appeals.
Tuesday .....	28
Wednesday .....	29
Thursday .....	30 Appeal Motions and Appeals.
Friday .....	31
Saturday .....	June 1
Monday .....	3 } Appeals.
Tuesday .....	4
Wednesday .....	5
Thursday .....	6 Appeal Motions and Appeals.
Friday .....	7
Saturday .....	8 } Appeals.
Monday .....	10
Tuesday .....	11 Petitions and Appeals.
Wednesday .....	12 Appeal Motions and Appeals.

Notice.—Such days as his Lordship shall be engaged in the House of Lords are excepted.

###### Before the LORDS JUSTICES.

###### At Lincoln's Inn.

Wednesday, May 23	Appeal Motions and Appeals.
Thursday .....	23 Appeals.
Friday .....	24 } Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	25
Monday .....	27 } Appeals.
Tuesday .....	28
Wednesday .....	29
Thursday .....	30 Appeal Motions and Appeals.
Friday .....	31 } Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	June 1
Monday .....	3 } Appeals.
Tuesday .....	4
Wednesday .....	5
Thursday .....	6 Appeal Motions and Appeals.
Friday .....	7 } Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	8
Monday .....	10 } Appeals.
Tuesday .....	11
Wednesday .....	12 Appeal Motions and Appeals.

Notice.—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

###### Before the MASTER OF THE ROLLS.

###### At Chancery-lane.

Wednesday, May 23	Motions.
Thursday .....	23 } General Paper.
Friday .....	24
Saturday .....	25 } Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	27
Tuesday .....	28 } General Paper.
Wednesday .....	29
Thursday .....	30 } Motions.
Friday .....	31 } General Paper.

Saturday .....	June 1 } Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	3
Tuesday .....	4 } General Paper.
Wednesday .....	5
Thursday .....	6 } Motions.
Friday .....	7 } General Paper.
Saturday .....	8 } Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday .....	10
Tuesday .....	11 } General Paper.
Wednesday .....	12 } Motions.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

###### Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

###### At Lincoln's Inn.

Wednesday, May 23	Motions.
Thursday .....	23 General Paper.
Friday .....	24 Petitions.
Saturday .....	25 } Short Causes, Adjourned Summonses, and General Paper.
Monday .....	27
Tuesday .....	28 } General Paper.
Wednesday .....	29
Thursday .....	30 } Motions and General Paper.
Friday .....	31 } Petitions.
Saturday .....	June 1 } Short Causes, Adjourned Summonses, and General Paper.
Monday .....	3
Tuesday .....	4 } General Paper.
Wednesday .....	5
Thursday .....	6 } Motions and General Paper.
Friday .....	7 } Petitions.
Saturday .....	8 } Short Causes, Adjourned Summonses, and General Paper.
Monday .....	10
Tuesday .....	11 } General Paper.
Wednesday .....	12 } Motions and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

###### Before the Vice-Chancellor Sir JOHN STUART.

###### At Lincoln's Inn.

Wednesday, May 23	Motions.
Thursday .....	23 General Paper.
Friday .....	24 Petitions and General Paper.
Saturday .....	25 } Short Causes and General Paper.
Monday .....	27
Tuesday .....	28 } General Paper.
Wednesday .....	29
Thursday .....	30 } Motions and General Paper.
Friday .....	31 } Petitions and General Paper.
Saturday .....	June 1 } Short Causes and General Paper.
Monday .....	3
Tuesday .....	4 } General Paper.
Wednesday .....	5
Thursday .....	6 } Motions and General Paper.
Friday .....	7 } Petitions and General Paper.
Saturday .....	8 } Short Causes and General Paper.
Monday .....	10
Tuesday .....	11 } General Paper.
Wednesday .....	12 } Motions.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

###### Before the Vice-Chancellor Sir W. P. WOOD.

###### At Lincoln's Inn.

Wednesday, May 23	Motions and General Paper.
Thursday .....	23 } General Paper.
Friday .....	24



†Honblon v. Epping Railway Co.  
\*Thew v. Wingate  
\*Hall v. Golding  
†Pease & ora. v. Chaytor  
†Blackett v. Bradley  
\*Senhouse & Wife v. Harris  
\*Festing v. Taylor & an.  
†Bramston v. The Accidental Death Insurance Co.  
Goshold v. Henrickson (Appeal from County Court)

\*Gray v. Balls & an.  
\*Field v. Morrison & ora.  
†Day v. Snowden (To be argued with case in New Trial Paper)  
†Halhead & an. v. Jackson  
†Gates & an. v. Banfield  
Ray & an. v. Edmunds & Wife (Appeal from County Court)  
†Trustees of the River Lee v. Gurney.

Essex..... Shee v. Dannett.  
Nottingham.... Smith v. Vaux.  
Leeds..... Frances v. Smithies.  
Rochester..... Reg. v. Hayward.

## Court of Common Pleas.

### NEW TRIALS.

*Moved Easter Term, 1861.*  
Midd.—Holliday v. Vestry of Shoreditch  
Lond.—Glass v. Boswall  
" North v. Smith  
" Binckes v. Pash  
" Philpot v. Swann  
" Chappel v. Comfort  
Kent—Pedley v. Davis  
" Gann v. Johnson  
" Co. of the Free Fishery v. Gann  
" Bannerman v. White  
Surrey—Poog Lead Mining Co. v. Montague  
Sussex—Ponnell v. Reynolds  
" Reynolds v. Wheeler  
" Hants—Lea v. Warwick  
Liverp.—Rogers v. Birkenhead Railway Co.  
Warwick—Stein v. Leonard  
Denbigh—Jones v. Mills  
Midd.—Buckmaster v. Russell  
Lond.—General Discount Co. v. Harrison.

### ENLARGED RULES.

*First Day.*  
Betts v. Menzies (Enlarged till after the decision of the appeal in House of Lords)  
In re General Land Drainage, &c. Co. v. Earl of Essex  
Billing & ora. v. St. Aubyn  
Townes v. St. Aubyn  
Ramsay & an. v. Same  
Reg. v. Fisher & an.  
Same v. Lloyd  
*Monday, June 3.*  
Price & Wife v. Mason.

### CROWN PAPER, TRINITY TERM, 1861.

Kent..... Reg. v. Bailiff of Romney Marsh.  
Tewkesbury..... Severn Navigation Commissioners.  
Hampshire..... Isle of Wight Ferry Co.  
Same..... Shrubbs.  
Kent..... Overseers of Tooteth Park, Lancashire.  
Metropolitan Police District... } Anderson v. Gutteridge.  
Cheshire..... Sketch v. White.  
Surrey..... Newton v. Skeates.  
Yorkshire..... Thewlis v. Kay.  
Same..... Reg. v. Undertakers of the Navigation of the Rivers Aire and Calder.  
Staffordshire..... South Staffordshire Waterworks Co.  
Great Farnmouth..... Harrod.  
Sussex..... Inhabitants of Brighton.  
Leeds..... Overseers of Holbeck.  
Gloucestershire..... Great Western Railway Co.  
Middlesex..... Ebrington.  
Yorkshire..... Inhabitants of Bramley.  
Anglesey..... Williams.  
Yorkshire..... Inhabitants of Lundale.  
Same..... Churchwarden of Spenon.  
Staffordshire..... Inhabitants of Leominster.  
Same..... Inhabitants of Bromwich.  
Birmingham..... Inhabitants of Birmingham.  
Yorkshire..... Trustees of Sank Island Turnpike Road v. Surveyors of the Highways of Ottringham.  
Same..... Same v. Surveyors of the Highways of Patrington.  
Warwickshire..... Reg. v. Wheeler.  
Durham..... Robinson v. Humble.  
Newcastle-upon-Tyne..... Reg. v. Burial Board of St. John, Westgate.  
Metropolitan Police District... } Vestry of St. Luke's v. Lewis.  
Middlesex..... Reg. v. Vestry of St. Luke's, Chelsea.  
Lancashire..... Churchwardens, &c. of St. Mary Arches, Exeter.  
Buckinghamshire..... Overseers of Colcehill.  
Essex..... Lord of the Manor of Thedon Bois.  
London..... Biggs v. Mitchell.  
Yorkshire..... Bankland v. Whittle.  
Cheshire..... Churchwardens of St. Michael and St. Olave v. Howes.  
Essex..... Reg. v. Lawrence.  
Lincolnshire..... Harrison v. Leaper.  
Kent..... Finch v. Blundell.  
Yorkshire..... Reg. v. Lundia.  
Liverpool..... Woodward v. Hewton.  
Kent..... Reg. v. Metropolitan Board of Works.  
Wiltshire..... Gay.  
Surrey & Kent..... Churchwardens of Faversham.  
Kent..... Inhabitants of Chiddingstone.  
Same..... Beerling v. Terry.

### DEMURRER PAPER.

#### SPECIAL ARGUMENTS.

Jones v. Tapling (Sp. C. to stand over till Hutchinson v. Copestake in Ex. Ch. is disposed of)  
Purnell v. Wolverhampton Waterworks Co.  
Dickinson v. Stidolph (Sp. C.)  
South Wales Railway Co. v. Redmond (D.)  
Kimbrough v. Croskey (D.)  
Townsend v. Read (Ap.)  
Davis v. Nisbets (D.)  
De Pass v. Bell (Case by ord.)  
Wright v. Leonard (D.)  
Austen v. Asphaltum Co. (D.)  
Blades v. Higgs (D.)  
Webb v. England (D.)  
Williams v. Alsop (Sp. C.)  
Hardcastle v. Dennison (Case Nisi Prius)  
Drake v. Jellicoe (D.)

### ENLARGED RULES.

*First Day.*  
Partridge v. Inclosure Commissioners  
In re Corbett, ex parte Corbett  
*Fifth Day.*  
In re Hutchinson and Ex parte Lang  
Ex parte Smithies  
In re Nutt v. Midland Railway Co.  
Walter v. Whittaker  
*Fourth Day.*  
Slipper v. Back  
Erwin v. Same.

### CUR. ADV. VULT.

Wilton v. Royal Atlantic Mail Steam Navigation Co.  
Pickard v. Smith.  
Kemp v. Neville  
Ebbon v. Neville  
Gilding v. Eyre  
Smith v. Smith.

## Court of Exchequer.

### SITTINGS—TRINITY TERM, 1861.

*Days in Term.*  
Wednesday .. May 23  
Thursday ..... 23  
Friday ..... 24  
Saturday ..... 25  
Monday ..... 27  
Tuesday ..... 28  
Wednesday ..... 29  
Thursday ..... 30  
Friday ..... 31  
Saturday ..... June 1  
Monday ..... 3  
Tuesday ..... 4  
Wednesday ..... 5  
Thursday ..... 6  
Friday ..... 7  
Saturday ..... 8  
Monday ..... 10  
Tuesday ..... 11  
Wednesday ..... 12  
*Base.*  
Motions and Peremptory Paper.  
Errors, Peremptory Paper, and Motions.  
Special Paper.  
Circuits chosen.  
Criminal Appeals.  
Special Paper.

<i>Days in Term.</i>	<i>Nisi Prius.</i>
Thursday .... May 23	Middlesex, first Sitting.
Monday ..... 27	London, first Sitting.
Thursday ..... 30	Middlesex, second Sitting.
Monday ..... June 3	London, second Sitting.
Wednesday ..... 5	Middlesex, third Sitting.

## NEW TRIALS.

## FOR JUDGMENT.

Chester—Plant v. Taylor  
 Liverp.—Bradley v. Dunipace  
 Lond.—Udell v. Atherton  
 Nottingh.—Smith v. Timms  
 Warwick—Smith v. Porter

## FOR ARGUMENT.

*Moved Hil. Term, 1861.*

Lond.—Hoakins v. Smurthwaite

*Moved Easter Term, 1861.*

Lond.—South-eastern Railway Co. v. Wharton  
 „ Simmonds v. South-eastern Railw. Co.  
 Exeter—Brown v. Bristol and Exeter Railw. Co.

Chester—Stockport Waterworks Co. v. Potter  
 Chelmsford—Ford v. Lacey  
 Maidstone—Collard v. South-eastern Railway Co.  
 Brecon—Games v. Jones  
 York—Hardwick v. Moss  
 „ Leather v. Duckitt  
 Liverp.—Smith v. Yates  
 „ Foster v. Rowland  
 „ Sims v. Holmes

*Moved after the 4th day of Easter Term, 1861.*

Midd.—Shingler v. Holt  
 „ Eccles v. Southern  
 „ Last v. Dowling  
 Thistleton v. Frewer  
 Lond.—Halles v. Marks.

## SPECIAL PAPER.

## FOR JUDGMENT.

Fregelles v. Sewell (D., to stand over till after trial of issues in fact)

## FOR ARGUMENT.

Brewer v. Dimmack (D., part heard, standing for arrangement)  
 London and North-western Railway Co. v. Great Western Railw. Co. (D., standing over for arrangement)

Fresart v. Lawrence (D., to stand over till issues in fact tried)  
 Scottish Provident Institution v. Hutton (D.)  
 Mayor of Bradford v. Alcock (Sp. C.)  
 Vickers v. Overend (D.)  
 Caldwell v. Kirkby (Sp. C.)  
 Rice v. Baxendale (Ap.)  
 The Anglo-Californian Gold-mining Co. v. Lewis (D.)

## PEREMPTORY PAPER.

*To be taken on the first Day of Term after the Motions, and to be continued the second Day of Term, if necessary, before the Motions.*

Grice v. Jones  
 In re Andrew  
 Lanning v. Clarke (Sued &c. in re Guy)

Cream v. Ray  
 Ray v. Cream and in re Mant  
 Alderton v. Aubyn.

## ERRORS AND APPEALS.

## FOR JUDGMENT.

Watts v. Shuttleworth (Ap.)

## FOR ARGUMENT.

Mersey Docks and Harbour Board v. Penhallow (Part heard)

Barrow v. Tootal (Error)  
 Johnson v. Simcock (Ap.)  
 Greenwood v. Seymour (Ap.)  
 Jones v. Davis (Ap.)  
 Whitmore v. Smith (Ap.)  
 Great Northern Railway Co. v. Behrens (Ap.)

**JURIDICAL SOCIETY.**—A meeting of this society was held at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 13th instant, O. Clark, Esq., in the chair, when a paper was read by J. Westlake, Esq., intitled "The Local Law of Guardianships." A discussion ensued, in which the Chairman, J. F. Macqueen, Esq., Q. C., and other gentlemen took part.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed William Pryce Yearsley, Gent., of Welchpool, Montgomeryshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Montgomery.

## BILL IN PROGRESS.

## STIPENDIARY MAGISTRATES BILL.

(MR. HENRY BRINSLEY SHERIDAN AND MR. BAZLEY).

*Abstract of a Bill to enable Cities, Towns, and Boroughs of Twenty-five Thousand Inhabitants and upwards to facilitate the Appointment of Stipendiary Magistrates.*

## Preamble.

Sect. 1. Short title of act.

2. Interpretation clause.

3. Board of health, local board, or inhabitants may convene meeting to consider the expediency of appointing justices. Meeting to be convened by notice. Seven days' notice of meeting to be given.

4. If resolution carried by majority, petition to be presented to her Majesty, praying the appointment of justice, and transmitted to Secretary of State. Her Majesty may appoint stipendiary justices.

5. Justice may act as a justice of the peace with or without other justices, but must not act out of the limits, except in certain cases. Justice not to be a member of the House of Commons.

6. The limits within which justice may reside, his attendances, and places of meetings.

7. Salary of stipendiary justice, and mode of payment.

8. Power to justice to appoint his clerk, being an attorney-at-law. Clerks disqualified from acting as attorneys in certain cases. Fees to be taken that are taken by clerk to county justices. Power to award costs.

9. Clerk to receive and keep an account of fees. Fees received under the act to form one general fund. Quarter Sessions to appoint a treasurer, who shall give security. Application of fee fund.

10. Accounts to be kept balanced and audited. Abstract of accounts, audited and certified, to be transmitted to the clerk of the peace, and to be open to inspection. Penalty.

11. Constables authorised to take recognisances in certain cases without fee or reward.

12. Justices at general sessions may make rate for payment of stipendiary justice. Mode of ascertaining value of rateable property. Powers of act relating to county rates applied to this act. Persons levying county rates to levy and collect rates. Penalties applicable to rate to be carried to the account of the general fee fund: payable to her Majesty, shall be paid to the county treasurer, in aid of the county rate. Penalties under customs, excise, or revenue.

Helena, City, merchant, June 1 at 1, London.—*William A. Freston*, Maesteg, Glamorganshire, ironmaster, June 4 at 11, Bristol.—*James Westbury*, Gloucester, innkeeper, June 11 at 11, Bristol.—*Wm. John*, Pontypridd, Glamorganshire, grocer, June 3 at 11, Bristol.—*Wm. Popham Davis*, Cardiff, Glamorganshire, slate merchant, June 3 at 11, Bristol.—*Benjamin G. Bottomley*, Devonport, Devonshire, ironmonger, June 10 at half-past 12, Plymouth.—*Thomas Bell*, Bolton, Lancashire, machine maker, June 4 at 12, Manchester.—*Joseph Sutcliffe*, Scarborough, Yorkshire, upholsterer, June 10 at 11, Leeds.—*William Skinner*, Redcar, Yorkshire, innkeeper, June 10 at 11, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Thomas Bagley Couens*, Lloyd's Coffee-house, and St. Michael's-alley, City, underwriter.—*Robert H. W. Drummond*, Iceland Wharf, Old Ford, Bow, Middlesex, contractor.—*Edwin Parkes*, Gloucester, carrier.—*John Clark*, Maindee and Newport, Monmouthshire, licensed victualler.—*John Scott*, Stonehouse, near Plymouth, Devonshire, draper.—*James Ferguson*, Stonehouse, Devonshire, draper.—*John Noble*, Carlisle, Cumberland, ropemaker.—*George Kelland* the younger, Lancaster, grocer.—*Herbert Dutton* and *Edmund Dutton*, Kidderminster, Worcestershire, builders.—*Wm. Adams*, Nottingham, painter.—*John Copestake*, Derby, engineer.—*George Barton*, Cromford and Bonsall, Derbyshire, draper.—*George E. Walker*, Nottingham, victualler.—*Joseph Harland* and *Richard Read*, Leeds, Yorkshire, cloth merchants.—*Peter Whitlock*, Leeds, Yorkshire, grocer.

## PETITIONS ANNULLED.

*Benjamin W. Harker*, Pentonville-road, Middlesex, linen-draper.—*Arthur C. Lewis*, Bath, Somersetshire, tailor.

**PARTNERSHIP DISSOLVED.**

*Robert Frederick Welchman and Charles John Welchman, Southam, Warwickshire, and Daventry, Northamptonshire, attorneys and solicitors.*

**SCOTCH SEQUESTRATIONS.**

*James Kay, Paisley, tailor.—Alexander Johnson, Bathgate, bottler.—James A. Smart, Edinburgh, merchant.—Henry T. Graham, Portobello.—George Mauchlen, Berwick, innkeeper.—The Caithness Steam Shipping Company, Limited, Pulteneytown, Wick.*

**TUESDAY, May 14.**

**BANKRUPTS.**

**JOHN BERNARD BEHREND**s and **WILLIAM AUSTIN NICHOLS**, St. Mary-axe, City, East India merchants, (trading under the style or firm of John George Behrends & Co.), May 25 and June 28 at 11, London: Off. Ass. Craman; Sols. Hughes & Co., 17, Bucklersbury.—Pet. f. May 11.

**ABRAHAM COHEN**, George-street, Minories, City, wine merchant, May 22 at 2, and June 26 at 12, London: Off. Ass. Stansfeld; Sols. Miller & Co., 10, Philpot-lane, London.—Pet. f. May 11.

**PHILIP TURNER MILLER**, Aylesbury, Buckinghamshire, linen-draper, May 28 and July 2 at 2, London: Off. Ass. Edwards; Sols. Jones, 13, Sise-lane, Bucklersbury, London.—Pet. f. May 6.

**JOHN REES**, Swansea, Glamorganshire, builder, May 27 and June 25 at 11, Bristol: Off. Ass. Acranman; Sols. Simons & Morris, Swansea; Henderson, Bristol.—Pet. f. April 22.

**JOHN DALLEY**, Starcross, Kenton, Devonshire, innkeeper, May 30 and June 26 at 12, Exeter: Off. Ass. Hirtzel; Sols. Fryer, Exeter.—Pet. f. May 11.

**JOSEPH THOMPSON**, Wakefield, Yorkshire, yarn spinner, May 24 and June 14 at 11, Leeds: Off. Ass. Young; Sols. Taylor, Wakefield; Bond & Barwick, Leeds.—Pet. d. and f. May 7.

**SAMUEL SHEARD**, Birstall, Yorkshire, currier, May 24 and June 21 at 11, Leeds: Off. Ass. Young; Sols. Caries & Cudworth, Leeds.—Pet. d. and f. May 7.

**JOHN GREENWOOD**, Sheffield, Yorkshire, stone sawyer, May 25 and June 22 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdakin, Sheffield.—Pet. d. and f. May 8.

**EDWARD HARDING**, Liverpool, draper, May 27 and June 14 at 11, Liverpool: Off. Ass. Bird; Sols. Ewer, Liverpool; Jones, 16, Sise-lane, London.—Pet. f. May 3.

**JOHN ANDERTON**, Liverpool, stonemason, May 27 at 12, and June 13 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. May 4.

**ROBERT FOSTER**, Trauamere, Cheshire, engineer, May 27 and June 14 at 11, Liverpool: Off. Ass. Turner; Sols. Neal & Martin, Liverpool.—Adj. made May 11.

**JAMES MANNION**, Liverpool, leather dealer, May 27 and June 24 at 11, Liverpool: Off. Ass. Turner; Sols. Quinn, Liverpool.—Pet. f. May 13.

**MEETINGS.**

*Alfred Wilson*, High-street, Kensington, Middlesex, draper, May 31 at 1, London, aud. ac.; June 4 at 11, div.—*George Stevens*, Great St. Helens, City, merchant, June 1 at 1, London, aud. ac.—*Thomas Wood*, Colchester, Essex, builder, June 1 at 11, London, aud. ac.—*John Richard Andrews*, Hanover-place, Park-road, Regent's-park, Middlesex, ironmonger, May 25 at 11, London, aud. ac.—*John T. Green* and *Thomas Gray*, Garrett Mills, Wandsworth, Surrey, manufacturers of materials for making paper, May 24 at 2, London, aud. ac.—*John Ranken Davidson*, Eden-cottage, near Carlisle, and *Wm. Oughterson*, Bush-on-Lyne, Longtown, Cumberland, railway contractors, May 27 at 12, Newcastle-upon-Tyne, aud. ac.—*George Derne* and *Frederick Youle*, Liverpool, merchants, May 24 at 11, Liverpool, pr. d.—*Jackson Southward*, Liverpool, printer, May 24 at 11, Liverpool, aud. ac.—*Wm. S. More*, Liverpool, sharebroker, May 29 at 11, Liverpool, aud. ac.; June 6 at 11, div.—*Edwin Latham* and *Wilfred Latham*, Liverpool, Monte Video, and Buenos Ayres, commission agents, May 27 at 11, Liverpool, aud. ac.; June 6 at 11, div.—*Francis Lock*, Bridgewater, Somersetshire, miller, May 29 at 12, Exeter, aud. ac.—*Thomas Flood*, Honiton, Devonshire, hardwareman, May 28 at 12, Exeter,

aud. ac.—*John Laffere*, Plymouth, Devonshire, chemist, May 27 at half-past 12, Plymouth, aud. ac.—*Richard Philp*, Okehampton, Devonshire, watchmaker, May 28 at 12, Exeter, aud. ac.—*Peter Weston Ayles*, Weymouth, Dorsetshire, builder, May 29 at 12, Exeter, aud. ac.—*John Thorne*, Weymouth, Dorsetshire, builder, May 28 at 12, Exeter, aud. ac.—*George Bowditch*, Taunton, Somersetshire, nurseryman, May 28 at 12, Exeter, aud. ac.—*Samuel Randle*, Plymouth, Devonshire, auctioneer, May 27 at half-past 12, Plymouth, aud. ac.—*Noah Miller*, Sidmouth, Devonshire, builder, May 28 at 12, Exeter, aud. ac.—*Joseph Peacock*, Bradford, Yorkshire, ironmonger, June 18 at 11, Leeds, aud. ac. and div.—*John Sanders Walton*, Northallerton, Yorkshire, money scrivener, June 18 at 11, Leeds, aud. ac. and div.—*Ambrose Scully*, Bradford, Yorkshire, ironmonger, June 18 at 11, Leeds, aud. ac. and div.—*John Richard Toale*, Leeds, Yorkshire, cabinet maker, June 18 at 11, Leeds, aud. ac.—*Henry Gates*, Louth, Lincolnshire, chemist, June 26 at 12, Kingston-upon-Hull, aud. ac. and div.—*Henry Cottam*, Kirton-in-Lindsey, Lincolnshire, machine maker, June 26 at 12, Kingston-upon-Hull, aud. ac. and div.—*James Heck*, Lincoln, butcher, June 26 at 12, Kingston-upon-Hull, aud. ac. and div.—*Robert Wake*, Kingston-upon-Hull, merchant, June 26 at 12, Kingston-upon-Hull, aud. ac. and div.—*Abraham Desforger Willey Desforger*, Alford, Lincolnshire, brickmaker, June 26 at 12, Kingston-upon-Hull, aud. ac. and div.—*George Harnston Edicards*, Lincoln, tobacconist, June 26 at 12, Kingston-upon-Hull, aud. ac. and div.—*John William Holderness*, Kingston-upon-Hull, timber merchant, June 5 at 12, Kingston-upon-Hull, aud. ac.—*John Smith Whitaker*, Great Grimsby, Lincolnshire, cooper, June 26 at 12, Kingston-upon-Hull, aud. ac.—*William Berrett*, Coal Exchange Tavern, St. Mary-at-Hill, City, licensed victualler, June 6 at 1, London, div.—*William Henry Godfrey*, Henley-on-Thames, Oxfordshire, bookseller, June 5 at half-past 1, London, div.—*Henry Watts*, Northampton, draper, June 5 at 1, London, div.—*William Cox*, Lamb's Conduit-street, St. George the Martyr, Middlesex, fish-sauce manufacturer, June 5 at half-past 12, London, div.—*Augustus Brine*, Euston-road, St. Pancras, and Canal-road, Caledonian-road, Middlesex, stone merchant, June 5 at 12, London, div.—*John Symmons*, Bristol, shoe-heel manufacturer, June 6 at 11, Bristol, first and fin. div.—*James Goddard and Holland Goddard*, Market Harborough, Leicestershire, bankers, June 28 at 11, Birmingham, fin. div.—*George Wilkinson*, Durham, grocer, June 5 at 12, Newcastle-upon-Tyne, fin. div.—*Thos. Hedgecock*, St. Helens, Lancashire, painter, June 10 at 11, Liverpool, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*George Brice Sainsbury*, Church-lane, Whitechapel, Middlesex, and Loaden-hall-street, City, coal merchant, June 15 at 12, London.—*Henry Clench*, High-street, Newington Butte, Surrey, milliner, June 5 at 1, London.—*George Pinkerton* and *Ernest Hawkins*, Great St. Helens, City, metal brokers, June 5 at 2, London.—*George Edward Parker*, Moorgate-street, City, and Buckingham-street, Strand, Middlesex, dealer in foreign goods, June 4 at 1, London.—*Ambrose Skinner*, Camberwell-green, Lambeth, Denmark-hill, and Dulwich, Surrey, coach builder, June 7 at 11, London.—*Philemon Rolfe*, Gravesend, Kent, chemist, June 7 at 12, London.—*Charles Taylor Cheesman*, Brighton, Sussex, coal merchant, June 5 at half-past 12, London.—*William Daniel*, Penydarren, near Merthyr Tydfil, Glamorganshire, innkeeper, June 11 at 11, Bristol.—*Geo. Roper*, Bincome, Dorsetshire, builder, June 5 at 12, Exeter.—*John Smith Whitaker*, Great Grimsby, Lincolnshire, cooper, June 19 at 12, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*William Henry Knight*, Powell-street, King-square, St. Luke's, Middlesex, watch tool dealer.—*Henry Bateman*, Old Broad-street, City, timber merchant.—*Thomas Barnes*, Wokingham, Berkshire, innkeeper.—*Wm. David Simpson*, Crayford, Kent, brickmaker.—*John Freeland*, Kirkintilloch, Dunbartonshire, Scotland, and Manchester, merchant.

**PETITIONS ANNULLED.**

*Joseph Richardson*, Victoria-road, Pimlico, Middlesex, upholsterer.—*Henry Owen* and *George Uglow*, Wood-street, City, and Tewkesbury, Gloucestershire, hostlers.

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## GAZETTES.—FRIDAY, May 17.

## BANKRUPTS.

ROBERT READ, Newport, Isle of Wight, tailor, May 28 at 12, and June 27 at 1, London: Off. Ass. Bell; Sols. Sole & Co., 08, Aldermanbury, London.—Pet. f. May 13.

HENRY HOLLAND CHAMBERS and FREDERICK RICHARD PARSONS, Worthing, Sussex, wine merchants (trading under the style or firm of Chambers & Parsons), May 28 at 1, and June 27 at 2, London: Off. Ass. Johnson; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. March 13.

CHARLES BENJAMIN MATHER, Newbury, Berkshire, tea dealer, May 31 at half-past 11, and June 28 at 12, London: Off. Ass. Cannan; Sols. Bartholomew & Randall, 3, Gray's-inn-place, Gray's-inn.—Pet. f. May 13.

ROBERT BRYANT, Newmarket St. Mary's, Suffolk, corn merchant, May 28 at half-past 11, and June 26 at half-past 12, London: Off. Ass. Graham; Sols. Adcock, Cambridge; Kingsford & Dorman, 23, Essex-street, Strand.—Pet. f. May 16.

BENJAMIN BATEMAN, Norwich, tea dealer (trading under the style or firm of Bateman & Co.), May 30 at 11, and June 26 at half-past 1, London: Off. Ass. Stansfeld; Sols. Atkinson, Norwich; Lawrance & Co., 14, Old Jewry-chambers, London.—Pet. f. May 14.

JOSEPH SMITH, Creed-place, Maize-hill, Greenwich, Kent, and late of Great Portland-street, Oxford-street, Middlesex, ironmonger, May 30 at 12, and June 26 at 2, London: Off. Ass. Stansfeld; Sols. Sole & Co., 68, Aldermanbury, London.—Pet. f. May 6.

CHARLES NICHOLSON, EDWARD PASCALL, and WILLIAM STONE, Cannon-street West, City, warehousemen (Edward Pascall also trading as a commission agent at Little Distaff-lane, City), May 29 and June 26 at 11, London: Off. Ass. Pennell; Sol. Reed, 3, Gresham-street, London.—Pet. f. May 15.

WILLIAM GILMORE WILSON, Cannon-street, City, engineer, May 27 at half-past 2, and June 24 at half-past 1, London: Off. Ass. Pennell; Sols. M'Leod & Co., 16, London-street, Fenchurch-street, London.—Pet. f. May 11.

ROBERT OVERBURY, Henley-in-Arden, Warwickshire, hotel keeper, May 27 and June 24 at 11, Birmingham: Off. Ass. Kinnear; Sols. Warden, Stratford-on-Avon; James & Knight, Birmingham.—Pet. d. May 11.

JOHN WOODFORD, Upper Broughton, otherwise Broughton Snlney, Nottinghamshire, carpenter, May 30 and June 18 at 11, Nottingham: Off. Ass. Harris; Sol. Sykea, Nottingham.—Pet. d. May 15.

RICHARD KIRBY the younger, Leicester, butcher, May 30 and June 18 at 11, Nottingham: Off. Ass. Harris; Sol. Haxby, Leicester.—Pet. d. May 14.

THOMAS KNEATH, Swansea, Glamorganshire, wine merchant, May 27 and June 25 at 11, Bristol: Off. Ass. Miller; Sols. Henderson, Bristol; Dimmock & Burbey, Henrietta-street, Cavendish-square, London.—Pet. f. April 29.

GEORGE PENROSE, Eagle's Bush and Eskyn Collieries, near Neath, and Maesymarchog and Ynisarwed Collieries, Vale of Neath, Glamorganshire, coal merchant, May 30 and June 25 at 11, Bristol: Off. Ass. Acraman; Sols. Strick, Swansea; Brittan & Son, Bristol.—Pet. f. May 14.

LEVI BEYNON, Bristol, tailor, May 27 and June 25 at 11, Bristol: Off. Ass. Acraman; Sols. Abbot & Co., Bristol.—Pet. f. May 9.

SAMUEL LEEMING and JAMES HILL, Batley Carr, Yorkshire, woollen manufacturers, June 10 and July 8 at 11, Leeds: Off. Ass. Hope; Sols. Scholes & Son, and Walker, Dewsbury; Bond & Barwick, Leeds.—Pet. d. May 11.

GEORGE JAMES PARIS and WILLIAM HENRY THOMAS PARIS, Liverpool, provision merchants (trading under the style or firm of Paris, Brothers), May 27 and June 24 at 11, Liverpool: Off. Ass. Bird; Sols. Little-dale & Co., Liverpool.—Adj. made May 14.

## MEETINGS.

Charles Curme, Hilperton, Wiltshire, common brewer, May 30 at 11, Bristol, ch. ass.—Edwin Botting, Brighton, Sussex, grocer, May 29 at 12, London, last ex.—John G.

Shipley, Regent-street, Middlesex, saddler, May 26 at 1, London, last ex.—Henry Martin, Southampton, tailor, May 27 at half-past 1, London, last ex.—Alfred Foster, Bradford, Yorkshire, woolstapler, May 28 at 11, Leeds, last ex.—S. Salomonson, Abchurch-lane, City, bill broker, June 4 at half-past 1, London, aud. ac.—Wm. Watson, Gravel lane, Southwark, Surrey, licensed victualler, June 4 at 2, London, aud. ac.—John Denton, William Denton, and John Denton the younger, Dartmouth-park, Forest-hill, Kent, builders, May 31 at half-past 11, London, aud. ac.—Wm. Ridge, Charles Ridge, and William Newland, Chichester, Sussex, bankers, May 30 at half-past 11, London, aud. ac.; June 7 at half-past 1, div.—Wm. Gray, Ipswich, Suffolk, grocer, May 30 at half-past 11, London, aud. ac.; June 7 at half-past 1, div.—Wm. G. Gibson, Godalming, Surrey, tanner, May 30 at half-past 11, London, aud. ac.; June 7 at half-past 12, div.—Cleeve W. Hooper and Henry Parkinson, Seething-lane, City, leather factors, May 30 at 11, London, aud. ac.—Aaron M. C. Hodgman, Broadstairs, Kent, miller, May 30 at 11, London, aud. ac.—Francis C. J. Demoor, Northampton, beer seller, May 30 at half-past 11, London, aud. ac.—Henry Clench, High-street, Newington-butts, Surrey, milliner, May 29 at 1, London, aud. ac.—John Dales, Old Broad-street, City, and Dewsbury, Yorkshire, merchant, May 29 at half-past 11, London, aud. ac.—Emanuel Jacobs, Long-lane, West Smithfield, City, stationer, May 29 at 11, London, aud. ac.—Alfred Bowles, Ipswich, Suffolk, music seller, May 29 at 11, London, aud. ac.—Ambrose Skinner, Camberwell-green, Lambeth; Denmark-hill; and Dulwich, Surrey, coach builder, May 29 at 11, London, aud. ac.—Thomas K. Scottburn, Northampton, currier, May 29 at 11, London, aud. ac.—Joseph T. Ballard, Leicester, draper, June 4 at 11, London, aud. ac.; June 11 at 12, div.—George B. Parker, Moorgate-street, City, and Buckingham-street, Strand, Middlesex, dealer in foreign goods, June 4 at 1, London, aud. ac.—Charles Wise, Liverpool, slate merchant, May 27 at 11, Liverpool, aud. ac.; June 7 at 11, div.—John Sellars, Newton-heath and Manchester, Lancashire, manufacturing chemist, June 5 at 12, Manchester, aud. ac.; June 12 at 12, div.—David Watkins, Shebbear, Devonshire, cattle dealer, June 4 at 12, Exeter, aud. ac.; June 12 at 12, div.—George Roper, Bincombe, Dorsetshire, builder, June 5 at 12, Exeter, aud. ac.—William Sampson, St. Thomas-the-Apostle, Devonshire, inn-keeper, June 4 at 12, Exeter, aud. ac.; June 12 at 12, div.—Wm. Hogg, Lapford, Devonshire, buyer and letter of machines, June 5 at 12, Exeter, aud. ac.; June 13 at 12, div.—Wm. Bennett, Nether Stowey, Somersetshire, linendraper, June 5 at 12, Exeter, aud. ac.; June 13 at 12, div.—B. G. Bottomley, Devonport, Devonshire, ironmonger, June 10 at half-past 12, Plymouth, aud. ac.—Walter Elkott, Beaminster, Dorsetshire, grocer, June 4 at 12, Plymouth, aud. ac.; June 13 at 12, div.—James Ferguson, Stonehouse, Devonshire, draper, June 10 at half-past 12, Plymouth, aud. ac.—John Scott, Stonehouse, Devonshire, draper, June 10 at half-past 12, Plymouth, aud. ac.—Henry Winchester, Buckingham-street, Strand, stationer, June 11 at 12, London, div.—John Darby, Dorset-mews, Dorset-square, Middlesex, horse dealer, June 11 at 1, London, div.—J. Thorniley, Sneynton, Nottinghamshire, lace dresser, June 13 at 11, Nottingham, aud. ac. and div.—W. Freeman, Belper, Derbyshire, builder, June 13 at 11, Nottingham, aud. ac. and div.—J. Copestake, Derby, engineer, June 13 at 11, Nottingham, aud. ac. and div.—Geo. Barton, Cromford and Bonsall, Derbyshire, draper, June 13 at 11, Nottingham, aud. ac. and div.—Hugh Jones, Chester, wholesale grocer, June 10 at 11, Liverpool, div.—Jas. Wagstaff, Alfreton, Derbyshire, draper, June 8 at 10, Sheffield, div.—H. Parrie, Bridport, Dorsetshire, machine maker, June 12 at 12, Exeter, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Bartholomew Frederick Dunkley, Kettering, Northamptonshire, grocer, June 15 at half-past 11, London.—Henry J. Smith, Newbury, Berkshire, corn dealer, June 7 at half-past 12, London.—Walter Allanson, Castle-street, Holborn, City, Australian merchant, June 7 at 1, London.—James Carey, Tunbridge Wells, Kent, shoemaker, June 7 at half-past 11, London.—W. Hurst Rhodes, Milton-next-Gravesend, Kent,

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## THE JURIST.

LONDON, MAY 25, 1861.

It has been laid down in courts of equity as a general rule, which has been in almost all cases hitherto very strictly adhered to, that a trustee shall have no allowance for his care or trouble in the administration of his trust; or, in other words, that a trustee shall not profit by his trust. The reason given for the rule by Lord Talbot in *Robinson v. Pett* (3 P. Wms. 249) is, “that on these pretences” (i. e. charges for care or trouble), “if allowed, the trust estate might be loaded, and rendered of little value.” This reason seems to us to be consistent with sound sense and good policy.

Hence it has been determined, that where a solicitor is a trustee, he will not, on the taking of the trust accounts, be allowed for professional charges, or charges for loss of time, or other emoluments, but will only be allowed for such charges and expenses as have actually been paid by him out of pocket as shall be found to be properly incurred by him. (*New v. Jones*, 1 Hall & T. 634; *Hamilton v. Wright*, 9 Cl. & Fin. 111).

In the important case of *Moore v. Frowd* (3 My. & C. 45), before Lord Cottenham, it was indeed attempted, upon the authority of the unreported case of *Daniel v. Goldson* (before the Vice-Chancellor of England in March, 1833), to get an allowance for a trustee of professional charges, although in the case of factor or agent (*Scattergood v. Harrison*, Mos. 128; *Sheriff v. Aze*, 4 Russ. 33) similar charges had been refused. Lord Cottenham, however, upon the authority of *New v. Jones*, refused to make the allowance; and with reference to the reason of the rule, and the application of it to the particular case before him, his Lordship said, “It is not because the trust estate is in any particular case charged with more than it might otherwise have to bear, but that the principle, if allowed,

would lead to such consequences in general. In the case of the factor or agent, if the executors had employed other persons in those capacities, they would probably have been allowed the expenses; but if they are to perform those duties themselves, and to charge a profit upon such employments, what protection can the cestui que trust have against extravagant charges? Do not these reasons apply to the case of solicitors? Does not this very case strongly exemplify the danger, and illustrate the merit of the rule which would avert it?”

The rule admits of an exception where the testator or creator of the trust expressly authorises the trustee to retain his professional costs, shewing thereby that he would rather run the risk of abuse by uniting the two characters, and pay the solicitor his costs, than lose his services as trustee. But where the creator of the trust, and his trustee, being a solicitor, by contract, make a rule for themselves, and agree that the trustee shall have some benefit beyond that which without such contract the law would allow, the agreement must be distinct, and in its terms explain to the client the effect of the arrangement; and the more particularly when the solicitor for the client, becoming himself a trustee, has an interest personal to himself, adverse to that of the client. (Per Lord Cottenham, C., in *Moore v. Frowd*, 3 My. & C. 48).

An attempt was made to charge for professional business done by the firm of which one of the trustees was a member, but it was very rightly held that the rule was applicable, and that the charge could not be made, even when the business was not done by the trustee, he being incapable from ill-health, but the whole was done by his partner. See *Christophers v. White* (10 Beav. 525), where Lord Langdale, M. R., said, “The business was done for the profit of the trustee as partner, and is the same as if two partners divide their business, one attending to the law department and the other to the equity, in which case each acts

for the profit of the other. Would this Court allow a trustee to say to his partner, 'You shall act as solicitor, and earn all the profit you can for the concern?' I think that could not be maintained\*."

In the recent case of *Clack v. Carlon* (7 Jur., N. S., part 1, p. 441; 9 Weekly Rep. 568) an attempt to establish an exception to the rule has been successful. There it appears that the defendant Mr. Carlon, of the firm of Carlon & Haynes, solicitors, was appointed a trustee for the purpose of carrying out certain arrangements for the benefit of the creditors of a deceased lady, contained in a trust deed dated the 1st January, 1857. A suit was instituted by some of the creditors to carry into effect the trusts of the deed, to remove Carlon from his trust, and to obtain other relief. By the decree made at the hearing, in December, 1860, the bill was dismissed, with costs, as against the defendants, but certain accounts and inquiries were directed as to the monies received by Carlon as trustee, and as to the costs, charges, and expenses properly incurred by him in recovering the funds mentioned in the trust deed, beyond his costs in the cause. In proceeding with the accounts and inquiries, the plaintiff's solicitor objected to the allowance of any costs to Carlon beyond the amount actually paid out of pocket. A further question arose as to the costs claimed by Carlon's partner, Mr. Haynes, in the conduct of the trust business and the suit. It appeared that in August, 1856, about the time the trust deed was prepared, an agreement was made between them that Haynes should, *in all matters connected with the trust, act as Carlon's solicitor, and that he alone should be entitled to receive for his own benefit any costs and charges payable for business done in reference to the trust.* Sir W. P. Wood, V. C., held that Mr. Haynes, from the time when he was acting under the agreement with his partner, should be allowed his full costs. His Honor observed that he saw no ground for saying that a solicitor trustee might not make an arrangement with his partner to treat him as a stranger in the management of the particular business. If the partner did not take all the profit to himself, but made an arrangement to share it with the trustee, then there would be a fraud; but in this case there was no reason to suppose that any irregularity existed. *He knew no reason why two firms might not come to a mutual arrangement, each to transact the trust business of the other. In the same way two members of the same firm might enter into such a bargain.*

With great deference to the learned Vice-Chancellor, we think that this decision cannot be supported, upon a fair consideration either of the principle of the rule, or of the authorities upon which it is supported; and if the exception to the rule which the Vice-Chancellor has created be hereafter supported, the rule itself may easily, and at the same time we must add very ingeniously, be evaded.

It is true, that in the case before the Vice-Chancellor, and in many others, the charges made profes-

sionally by a solicitor trustee, or by a person being his partner, on his partner, in all business save that particular trust business, may be but just and proper, and only what would have been made if a stranger had been employed as solicitor to transact the legal business of the trust, and his mode of doing it, and charging for it, were carefully watched by the trustee employing him. The application, however, of the rule, it must always be remembered, does not depend upon the conduct of the trustee in each particular case, but upon the consequences which would generally ensue if a trustee or his partner were entitled to make charges professionally for trust business. Now, when a solicitor is trustee, and he or his firm make charges for professional business done for the trust, it is clear that the interests and duties of the trustee solicitor are conflicting. As solicitor, it is his interest to do as much professional business for the trust, and charge as highly for it, as he possibly can. His duty as trustee would or ought to lead him in an opposite direction; it would cause him to avoid all expenditure in legal proceedings, save such as were absolutely necessary, and it would permit only such charges to be made for them as were reasonable and proper.

Although in some particular cases a solicitor trustee may be found so watchful of his own conduct as to prevent himself from gaining any advantage for himself which he would not allow another person to take, the wisdom of the rule which prevents him from being subjected to such temptation is apparent.

Now, will not the case decided by the Vice-Chancellor lead to an evasion of the rule? Suppose two solicitors in partnership, A. B. and C. D.; they are each of them made trustees (probably on their own advice) by numerous clients. The rule forbids each of them from making professional charges; but they enter into an arrangement of this kind: A. B. is to do all the professional business of C. D.'s trusts; C. D. is to do all that of A. B.'s trusts; but the firm is to derive no profit from the transaction of such business. Now, let any person consider such an arrangement, even for a moment, and say whether it does not come within the principle of the rule; and whether, if allowed to stand, it would not lead to all those evils which the rule was established to prevent? Is it probable, under such an arrangement, that either of the parties to it would act as an effectual check upon the other? Is it not, on the other hand, more than probable that there would be, not certainly an express agreement, but a sort of tacit understanding, that each of the parties should have his own way in whatever related to the professional business of his partner's trusts, and the charges in respect of it?

But the greatest objection to the exception to the rule allowed by Sir W. P. Wood, V. C., is the difficulty of getting at the real agreement between the parties, which apparently may forbid any division of profits, although by some subsequent arrangement or understanding such division may be made.

\* See also *Collins v. Carey* (3 Beav. 129) and *Lyon v. Baker* (5 De G. & S. 622).

But whether that be the case or not, we cannot but come to the conclusion that the decision is unsupported by authority and erroneous in principle, and

that it furnishes the means of evading or acting in fraud of a most wholesome rule of equity, and will have a tendency to induce attorneys, for their own profit, to traffic in trusts.

## COURT OF BANKRUPTCY.

### *In re* EDWIN JAMES.

A petition for private arrangement has been filed by Mr. Edwin J. James, one of her Majesty's counsel, under the provisions of the 7 & 8 Vict., commonly called "The Gentleman's Act." Mr. Edwin James did not personally attend the court, the signature only of the petitioner being requisite. In a few days the creditors of the learned gentleman will receive formal notice of the proceedings. It is believed that the debts and liabilities of the petitioner will represent an aggregate of very nearly 100,000*l*.

The case goes to the court of Mr. Commissioner Evans. The solicitors conducting the proceedings are Messrs. Lewis & Lewis, of Ely-place, Holborn.—*Law Times*.

## Court Papers.

### EQUITY CAUSE LISTS, TRINITY TERM, 1861.

\*. \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap. Appeal*—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

*Before the LORD CHANCELLOR and the LORDS JUSTICES.*

#### APPEALS.

Trotman v. Fleisher } (S.,  
Fleisher v. Trotman } Mar. 6)  
Ecclesiastical Commissioners  
v. Vestry of Clerkenwell  
(S., April 13)  
Pickles v. Pickles (K., May 2)

Emperor of Austria v. Day  
(S., May 6)  
Ford v. Tennant (R., May 8)  
Cardinal v. Molyneux (S.,  
May 9)  
Emperor of Austria v. Day  
(S., May 10).

*Before the Right Hon. the MASTER OF THE ROLLS.*

#### CAUSES, &c.

Adey v. Adey (E to answer)  
Vyryan v. Vyryan (M D)  
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Deacon v. Chatterton (M D)  
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Wells v. Smith (M D)  
Modle v. Snowball (M D)  
Dalton v. Crew (Cause)  
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Stokoe v. Cowan (Cause)  
Bevan v. Sturgis (M D)  
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Baynes v. Scott (M D)  
North v. Huber (M D)  
In re Walduck's } (F C, ad-  
Estate } journed  
Russell v. Wal- } from  
duck } chambers)  
Russell v. Walduck (F C)  
Russell v. Walduck (Cause)  
Raikes v. Boulton (F C)  
White v. Tilley (Cause)  
Hodgson v. Coates } (M D)  
Hodgson v. Coates }  
Lewis v. Wright (M D)  
Forster v. Davies (Cause)  
Ungless v. Tuff (M D)  
Pearman v. Pearman (F C)  
Cuddon v. Plews (M D)  
Neeve v. Flood (M D)  
Att.-Gen. v. Guardians of  
Newport Pagnell Union  
(M D)

Beale v. Cole (M D)  
Moore v. Moore (Sp C)  
Davies de Pontes v. Kendall  
(Cause)  
Price v. Taylor (M D)  
Plowman v. Plowman (Cause)  
Brumbridge v. Brumbridge  
(F C)  
Garrett v. Garrett (F C)  
Brown v. Evans (Sp C)  
Forrest v. Manchester, Shef-  
field, & Lincolnshire Rail-  
way Co. (M D) May 23  
Gainsford v. Gainsford (M D)  
Waud v. Wright (M D)  
Procter v. Slight (Cause)  
Seawell v. Webster (M D)  
Lewin v. Reynolds (Cause)  
North Cambrian Mining Co.  
v. Fairburn (M D) May 23  
Thornton v. Howe (M D)  
Day v. Wells (M D)  
Winton v. Langridge (M D)  
Hawking v. Burton (M D)  
Keane v. Parker (Cause)  
Meade v. Cook (M D)  
Round v. Bell (Cause)  
Padwick v. Hawkins (Cause)  
Rolt v. Att.-Gen. (Cause)  
Honywood v. Forster (M D)  
Poole v. Middleton (M D)  
Forrest v. Harrington (M D)  
Barnett v. Tugwell (M D)  
Dymond v. Wotton (F C)  
Calverley v. De la Touche  
(F C)  
Rose v. Bagley (Cause)  
Shepherd v. Harvey (F C)  
Webster v. Cecil (M D)  
In re Clark's Es-  
tate } (F C, adj.  
Osborn v. Smart } from ch)

Hanbury v. Holgate (F C)  
Atkinson v. Barton (M D)  
Harrop v. Holt (M D)  
Gunson v. Gunson (F C)  
Shaw v. Buckley (F C)  
Borough v. Adamson (F C)  
Newsome v. Flowers (M D)  
Baves v. Hickson (M D)  
Creighton v. Callis (M D)  
Lucas v. Goldsmid (M D)  
Jarvis v. Jarvis (M D)  
Willoughby v. Wilkinson (F  
C, Sum. to vary certificate)  
Cheeseborough v. Wright (F  
C)  
Parker v. Clarke (Cause)  
Lea v. Lea (F C)  
Wilson v. Venables (M D)  
Thompson v. Thompson (M  
D)  
Marquis of Clanricarde v.  
Henning (Cause)  
Sheppard v. Sheppard (M D)  
Hawksworth v. Hawksworth  
(F C)  
Walsh v. Secretary of State  
for India (M D)  
Scarborough v. Shaw (M D)  
Ford v. Davies de Pontes  
(Cause)  
Bird v. Wyatt (M D)  
Edmonds v. Lord Foley (M  
D)  
Cocks v. Hittinger (M D)  
Coates v. Nottingham Water-  
works Co. (M D)  
Elliott v. Beedham (F C)  
Mason v. Wyman (M D)  
Lechmere v. Clamp (Cause)  
Coverdale v. Coore (M D)  
British Equitable Investment  
Co. v. Todd (M D).

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

#### CAUSES, &c.

Viscount Wellesley, now  
Earl of Mornington, v.  
Earl of Mornington  
Countess of Mornington  
v. Viscount Wellesley,  
now Earl of Morning-  
ton } (F C) May 23  
Mawe v. Heavyside (F C)  
Shaw v. Johnson (F C)  
Mitchell v. Mitchell (M D)  
Dawson v. Clarke (M D)  
In re Plasket's Es-  
tate } (F C,  
adj. from  
Bryant v. Knyvett } chamb.)  
Knipe v. Knipe (M D)  
Turner v. Spooner (M D)  
Gardner v. Evans (M D)  
Drakeford v. Stubbs (F C,  
Sum. to vary certificate,  
part heard)  
Lambert v. Turner (M D)  
Tranfield v. Tranfield (Cause)  
Lee v. Page (M D)  
Baker v. Machin (M D)  
Nicholson v. Nicholson (M D)  
Morton v. Badley (M D)  
Troutbeck v. Boughiey (F C)  
Underwood v. Joyce (M D)  
Dangar v. Stewart (Cause)  
Meinertzhayen v. Stewart  
(Cause)  
Rose v. Sharrod (M D)  
Tickler v. Metcalfe (M D)

Shuttleworth v. Bristo (F C)  
Turner v. Langridge (F C)  
Liddon v. Litchfield (F C)  
Aylwyn v. Witty (Cause)  
Wilkinson v. Dyson (F C)  
Yates v. Madden } (F C,  
Lewis v. Yates } Ptn)  
In re G. Harrison's } (F C, ad-  
Estate } from  
Wilson v. Leslie } chamb.)  
Cope v. Evans (F C)  
Richardson v. Wright (M D)  
Baldry v. Baker (F C)  
Loring v. Thomas (F C)  
Sellon v. Watts (F C)  
Jefferson v. Jefferson (F C)  
Jones v. Gloster (F C)  
Sargisson v. Whaler (F C)  
Groom v. Groom (F C)  
Groom v. Birdseye (F C)  
Oldridge v. Mitchell (M D)  
Dodsell v. Stammel (Re-  
hearing of cause, Ptn)  
Telford v. Ruskin (Cause)  
Whaplate v. Whaplate (Cause)  
Taylor v. Walker (F C)  
Colyer v. Colyer (Cause)  
Perks v. Stothert (F C, Mo-  
tion to vary certificate)  
Greenwood v. Greenwood  
(Cause)  
Garstin v. Garstin (Cause)  
Barnes v. Pemberton (F C)

Fleischmann v. Earl of Mor-  
nington (M D)

Upton v. Vanner (Cause)  
Jamison v. M'Kenzie (F C).

*Before the Vice-Chancellor Sir JOHN STUART.*

CAUSES, &c.

Marchioness of Londonderry  
v. Baker (Plea of debt.)  
Secretary of State in Council  
of India v. Kelson (M D)  
Macnaghten v. Smith (M D)  
Draper v. Manchester, Shef-  
field, & Lincolnshire Rail-  
way Co. (M D)  
Ruxton v. Richardson (M D)  
Berry v. Berry (M D)  
Crosbie v. M'Henry (M D)  
Leach v. Richardson (M D)  
Child v. Smith (M D)  
Marshall v. Carter (Cause)  
Cook v. Earl of Rosslyn (M D)  
Anglo-Australian & Universal  
Family Life Assurance Co.  
v. British Provident Life &  
Fire Assurance Society (M  
D)  
Goldring v. Inwood (M D)  
Forrester v. Perry (M D)  
Watson v. Benthall (F C)  
Moseley v. Andrews (F C)  
Earl of Rosslyn v. Walrond  
(M D)  
Ball v. Seaborn (F C)  
Anderson v. Elsworth (Cause)  
Att.-Gen. v. Pascall (M D)  
Servante v. Blake (Cause)  
Welchman v. Spinks (M D)  
Rhodes v. Moxhay (F C)  
Gray v. Moxhay (Cause)  
Battcock v. Rough (F C)  
In re Delevante } (Adj.  
Delevante v. Child } summs.  
Milsom v. Harvey (S) (F C)  
Prideaux v. Day (F C)  
Todd v. Miles (F C)  
Holloway v. Poole (F C)  
Traylo v. Rippen (Cause)  
Ward v. Davies (F C)  
Gibbs v. Daniel (M D)  
Lambert v. Buchanan (F C)  
Bolton v. Jordison (F C)  
Baker v. Apin (M D)  
Birch v. Sherratt (F C)  
Bayley v. Cass (Cause)  
Cass v. Bayley (Cause)  
Jones v. Purry } (Rehear-  
Jones v. Bennion } ing)  
Bennett v. Knighton Railway  
Co. (M D)

Riley v. Gosling (M D)  
Morgan v. Stephens (Cause)  
Whitehouse v. Whitehouse  
(M D)  
Pointon v. Pointon (F C)  
Reddrop v. Etches (F C)  
Scatcherd v. Scatcherd (Cause)  
Stansfeld v. Micklethwait (F  
C)  
James v. Gwynne (F C)  
Watson v. Baillie (M D)  
Crichton v. Gard (M D)  
Tyndale v. Jenkins (F C)  
Garland v. Kiernan (F C,  
Summons)  
Miller v. Finlay (Cause)  
Clarke v. Justice (M D)  
Johnson v. Swire (Cause)  
Baguley v. Lockett (M D)  
Brown v. Banks (M D)  
Carnsew v. Brown (M D)  
Willson v. Pratley (M D)  
Freeman v. Pennington (F C)  
Brandon v. Wells (M D)  
Simmonds v. Simmonds (M  
D)  
Coventon v. Carter (M D)  
Boughton v. Jervis (F C, Sum-  
mons)  
Griffin v. Walls (F C)  
Gibbs v. Hornblow (F C)  
Coleman v. Butt (Cause)  
Thomas v. Davies (Cause)  
Lucas v. Anderson (F C)  
Nail v. Mutter (F C)  
Jackson v. Harvey (M D)  
Finley v. Ackrill (M D)  
Atkins v. Richards (M D)  
Douglas v. Culverwell (Cause)  
Clark v. Richmond (F C)  
Osborn v. Bellman (F C)  
Newsome v. Costeker (F C)  
Huntton v. Hutchinson (Caus.)  
Cade v. Newton (M D)  
Cole v. Field (F C)  
Field v. Field (F C)  
Wilson v. Ireland (M D)  
Rickards v. Gledstanes (M D)  
Masters v. Hyde (F C)  
Bockett v. Winslow (M D)  
Barry v. Ffitch (F C)  
Lawrence v. Vickery (M D)  
Blest v. Brown (M D).

*Before the Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Sandeman v. Mackenzie (M  
D, part heard)  
Keane v. Robins (E to ans.)  
Davenport v. Hinchcliffe (M  
D)  
Talbot v. Stanforth (M D)  
Sladen v. Atkinson (Cause)  
Hunter v. Stewart (Cause)  
Kelly v. Consett (Cause)  
Woolcombe v. Brown (Cause)  
Harsant v. Harsant (Sp C)  
Niven v. Overbury (Cause)  
Hare v. London and North-  
western Railway Co. (M D)  
London & Westminster Bank-  
ing Co. v. Parker (Cause)

Heptinstall v. Gott (Cause)  
Whalley v. Ramage (Cause)  
Glover v. Baker (M D) May  
23  
Parkes v. Mills (M D) May 23  
Hope v. Fox (M D)  
Clarke v. Wardroper (M D)  
May 24  
Wagner v. Pennell (Cause)  
Boyes v. Bedale (Cause)  
Mendes v. Guedella (M D)  
Heyworth v. Great Western  
Railway Co. (Cause)  
Stanley v. Stanley (M D)  
Plimmer v. Hughes (M D)  
Wilkins v. Sharman (Cause)

Hughes v. Jones (Cause)  
David Thomas v. Jones (Cau.)  
John Thomas v. Jones (Cau.)  
Palmer v. Walker (M D)  
Walker v. Page (F C)  
Knapp v. Burnaby (F C)  
Thompson v. Thompson (M  
D)  
Scriven v. Sandon (M D)  
Buchanan v. Harrison (Cau.)  
Mold v. Mold (Cause)  
Parmiter v. Parmiter }  
Parmiter v. Parmiter } (F  
In re Parmiter's Estate } C)  
Parmiter v. Parmiter }  
Lees v. Whittingham (Sp C)  
Hatton v. Att.-Gen. (F C)  
Haynes v. Haynes (F C)  
Gray v. Steggles (M D)  
Northumberland & Durham  
District Banking Co. v.  
Granger (M D)  
Wyman v. Bockett (M D)  
Wyman v. Mason (M D)  
Demetracarakos v. Maberly  
(M D)  
Ledger v. Stanton (Sp C)  
Nixon v. Roberts (M D)  
Williams v. Hensman (M D)  
Thomas v. Hobler (Cause)  
Drake v. Drake (Cause)  
Drake v. Drake (Cause)  
Dadson v. Bishop (Rehear-  
ing of M D)  
Swainson v. Dobson (F C)  
Hare v. Westropp (M D)  
Price v. Simpson (Cause)  
Simpson v. Price (Cause)  
Finch v. Sanger (F C)  
Watkins v. Horton (F C)  
Cottam v. Newton (M D)  
Kenward v. Holman (F C)  
Mayor, &c. of Kingston-upon-  
Hull v. Att.-Gen. (M D)  
Clapham v. Stevens (F C)  
Budd v. Hughes (M D)  
Wells v. Wood (F C)

St. Thomas's Hospital v.  
Charing-cross Railway Co.  
(M D)  
Hunt v. Tween (Cause)  
Wright v. Wright (Cause)  
Mills v. Seward (M D)  
Doswell v. Reece (Cause)  
Milsome v. Milsome (F C,  
Suma. to vary certificate)  
Williams v. Williams (Cause)  
Lawrence v. Mullineux (M D)  
Thompson v. Holman (M D)  
Lord Norbury v. Kitchin  
(Cause)  
Fitzgerald v. Champneys (M  
D)  
Rumpsey v. Eaton (Sp C)  
Hunt v. Tozer (Cause)  
Tozer v. Hunt (Cause)  
Harman v. Derby (F C)  
Hancock v. Rollison (Cause)  
Hughes v. Budd (M D)  
Melton v. Day (F C)  
Ashton v. Copeland (Sp C)  
Wilks v. Williams (Sp C)  
Homer v. Linney (M D)  
Aylwin v. Challen (Cause)  
Salter v. Salter (Cause)  
Giles v. Pinnock (M D)  
Francis v. Babington (M D)  
Howe v. Clarke (M D)  
Giles v. Phelps (M D)  
Cubitt v. Victoria Station and  
Pimlico Railway Co. (M D)  
Warry v. Stone (M D)  
Spilsbury v. Kent (M D)  
Ogden v. Fossick (Cause)  
Humble v. Bell (F C)  
Rumball v. George (F C)  
Bell v. Cade (Sp C)  
Shand v. Stansfield (M D)  
Baston v. Hingeston (M D)  
Davenport v. Davenport (M D)  
Edkins v. Walker (F C)  
Swansea Harbour Trustees v.  
Swansea Dock Co. (M D)  
Bulpett v. Gover (Cause).

licensed victualler, June 7 at half-past 12, London.—*Isaac French*, Manchester, cheese factor, June 14 at 12, Manches-  
ter.—*John Bristol*, Stourbridge, Worcestershire, licensed  
victualler, June 10 at 11, Birmingham.—*William Fre-  
man*, Belper, Derbyshire, builder, June 11 at half-past 11,  
Nottingham.—*James Fell*, Liverpool, tea merchant, June  
10 at half-past 12, Liverpool.—*John Robinson*, Liverpool,  
plumber, June 10 at half-past 11, Liverpool.—*John Wreford  
Hunt*, Liverpool, lamp manufacturer, June 10 at 12, Liver-  
pool.—*Alexander M'Millan* and *William Blackburn*, Star-  
court, Bread-street, Cheapside, City, woollen warehousemen,  
June 7 at 11, Leeds.—*Jonathan Hainsworth*, Halifax, York-  
shire, plumber, June 7 at 11, Leeds.—*Jonathan Crave*,  
Birstal, Yorkshire, stuff manufacturer, June 7 at 11, Leeds.  
—*Terence Fitzpatrick*, Newark-upon-Trent, Nottinham-  
shire, and *Bernard Fitzpatrick*, Nottingham, travelling  
drapers, June 11 at half-past 11, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Simon Jonas Rosenthal* and *Henry Simon Rosenthal*,  
Liverpool, billiard-table proprietors.—*Godfrey Morton* and  
*John Williams*, Portmadoc, Carnarvonshire, builders.—*Chas.  
Wise*, Liverpool, slate merchant.—*John Carlyle*, Liverpool,  
woolendrapier.—*John Kippax*, East Retford, Nottingham-  
shire, watchmaker.—*Enoch Haley*, Wm. Hargreaves, and  
*James Perkin*, Bradford, Yorkshire, wrought-iron manufac-  
turers.—*Christopher Hood* and *John Nixon*, Nuneaton, War-  
wickshire, elastic-web manufacturers.

PETITION ANNULLED.

*Thomas Howarth* and *Wm. Cronshaw*, Warrington, Lan-  
cashire, calico manufacturers.

## PARTNERSHIP DISSOLVED.

*Thomas Beverard Upton and Samuel Clapham, Leeds, Yorkshire, attorneys and solicitors.*

## SCOTCH SEQUESTRATIONS.

*James Muir, Partick, near Glasgow, accountant.—Fredrick Maximilian Kinnier, Glasgow, commission merchant.—Thomas Dorrington, Glasgow, merchant.—Wm. Stirling, East Kilbride, cement manufacturer.—R. Morrison, Aberdeen, watchmaker.—James Cargill, Kilspindie, farmer.*

TUESDAY, May 21.

## BANKRUPTS.

**WILLIAM HENRY BLACKMORE**, Dean-street, Soho-square, Middlesex, plumber, May 31 and June 27 at 11, London: Off. Ass. Bell; Sols. Dod & Longstaffe, 19, Great Portland-street, Oxford-street.—Pet. f. May 17.

**JAMES LYNN**, Deptford, Kent, licensed victualler, May 31 and June 27 at 12, London: Off. Ass. Pennell; Sols. Martineau & Reid, 2, Raymond-buildings, Gray's-inn, London.—Pet. f. May 9.

**STEPHEN SAMS SHORT**, Shoreditch, Middlesex, boot manufacturer, June 1 at 1, and July 2 at half-past 2, London: Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street, London.—Pet. f. May 15.

**JOHN STUART**, Portsmouth, Southampton, draper, June 4 at half-past 2, and July 9 at 12, London: Off. Ass. Edwards; Sols. Davidson & Co., 22, Basinghall-street, London.—Pet. f. May 17.

**LUKE MINSHULL**, Bromsgrove, Worcestershire, banker, June 6 and 27 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham; Housman, Bromsgrove.—Pet. d. May 13.

**GUILLAUME GUILLAUME**, Mount Radford, St. Leonard, and Exeter, Devonshire, watchmaker, June 4 and July 3 at 12, Exeter: Off. Ass. Hirtzel; Sol. Flood, Exeter.—Pet. f. May 17.

**NICHOLAS TUCKER**, Moorwinstow, Cornwall, cattle salesman, June 4 and July 3 at 12, Exeter: Off. Ass. Hirtzel; Sols. Kingdon, Holsworthy; Turner & Hirtzel, Exeter.—Pet. f. May 13.

**WILLIAM SERGEANT**, Kingston-upon-Hull, builder, June 5 and July 3 at 12, Kingston-upon-Hull: Off. Ass. Carriek; Sol. Spurr, Kingston-upon-Hull.—Pet. d. May 15.

**JOHN WILSON**, Liverpool, shoemaker, June 3 and 24 at 11, Liverpool: Off. Ass. Bird; Sol. Etty, Liverpool.—Pet. f. May 9.

**WILLIAM FOSTER**, Manchester, cloth cap manufacturer, (late carrying on business with Marcus Myers, under the style of Foster & Myers), June 7 and 28 at 12, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Pet. f. May 17.

**PATRICK MCCARTHY**, Manchester, fent dealer, June 6 and 27 at 12, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. May 10.

## MEETINGS.

*James Rogerson, East Hartlepool, Durham, linendraper, May 31 at 11, Newcastle-upon-Tyne, last ex.; June 18 at half-past 12, div.—George Wilkinson, Durham, grocer, June 4 at 12, Newcastle-upon-Tyne, aud. ac.—S. J. Rosenthal and H. S. Rosenthal, Liverpool, billiard table proprietors, June 6 at half-past 11, Liverpool, aud. ac. joint est., and aud. ac. sep. est. of S. J. Rosenthal; June 10 at 11, div. sep. est. of S. J. Rosenthal; June 13 at 11, div. joint est.—J. B. Hirst, Holme, Almondsbury, Yorkshire, cloth manufacturer, June 18 at 11, Leeds, aud. ac. and div.—Samuel Stocks, Huddersfield, Yorkshire, woollen cloth merchant, June 18 at 11, Leeds, aud. ac.—Wm. Moss, Macclesfield, Cheshire, shoe manufacturer, June 7 at 12, Manchester, aud. ac.; June 13 at 12, div.—James L. Hodgson, Manchester, money scrivener, June 5 at 12, Manchester, aud. ac.; June 12 at 12, div.—Thomas Bell, Bolton, Lancashire, machine maker, June 7 at 12, Manchester, aud. ac.; June 14 at 12, div.—John Cooper, Manchester, commission agent, June 6 at 12, Manchester, aud. ac.; June 13 at 12, div.—Robert Freeland, Manchester, and John Freeland, Kirkintilloch, Dumbartonshire, Scotland, merchants, June 12 at 12, Manchester, aud. ac.; June 19 at 12, div.—J. Ansell, Seven Sisters-road, Upper Holloway,*

*Middlesex, contractor, June 11 at half-past 11, London, div.—John McCalla and Alex. Fotheringham, Friday-street, Cheapside, City, warehousemen, June 11 at half-past 1, London, div.—Robert C. Steven, West Hartlepool, Durham, grocer, June 19 at 12, Newcastle-upon-Tyne, div.—Robert Snowden, Newcastle-upon-Tyne, carver, June 14 at 12, Newcastle-upon-Tyne, div.*

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*S. J. Wood, Milwall, Middlesex, cement manufacturer, June 11 at half-past 12, London.—T. W. Pringle, Hawley-place, Kentish-town, Middlesex, grocer, June 12 at half-past 11, London.—J. Williams, Roath, Glamorganshire, builder, June 17 at 11, Bristol.—George Woodruff, Hulme, Manchester, butcher, June 19 at 12, Manchester.—Jas. B. Copland, Manchester, wine merchant, June 12 at 12, Manchester.—Wm. Moss, Macclesfield, Cheshire, shoe manufacturer, June 13 at 12, Manchester.—Wm. Riley, Ilkerton, Derbyshire, butcher, June 11 at half-past 11, Nottingham.*

*To be granted, unless an Appeal be duly entered.*

*Thomas Mayo, Chesham, Buckinghamshire, wooden ware manufacturer.—R. W. Sheppard, Charlbury, near Woodstock, Oxfordshire, coal merchant.—Anna Maria Owen, New Bond-street, Middlesex, dealer in china.—Mark Hayes, New Brentford, Middlesex, cheesemonger.—A. Sheen and A. Freeman, Old Broad-street, City, timber brokers.—Henry Nollet, Fieldgate-street, Whitechapel, Middlesex, hotel keeper.—John Gibbs, Church-street, Hackney, Middlesex, licensed victualler.—W. Blundell, New Broad-street, City, dentist.—Matthew Somerville, Liverpool, joiner.—Thomas P. Jones, Toxteth-park, near Liverpool, shoe manufacturer.—Joseph Farrar, Bury, Lancashire, grocer.—P. Sherratt, Macclesfield, Cheshire, silk manufacturer.—Harry Rawson, Manchester, stationer.—John Riley, Blackburn, Lancashire, ironfounder.*

## PETITIONS ANNULLED.

*Wm. Reading, Mortimer-street, Cavendish-square, Middlesex, coach builder.—Peter Henry Wood, Manchester, brewer.—Thos. Retaken, Swansea, Glamorganshire, grocer.*

## SCOTCH SEQUESTRATIONS.

*Wm. Paterson, Glasgow, grocer.—A. Fulton, Glasgow, iron forger.—James Newlands, New Elgin, farmer.—James R. MacIver, Stornoway and Tacksman of Gress, near Stornoway, Ross-shire, merchant.*

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## MEETINGS.

*Henry Mann*, Chesterton, Cambridgehire, miller, June 4 at 12, London, last ex.—*Wm. Kilby*, Church-end, Willesden, Middlesex, contractor, June 4 at 2, London, last ex.—*James H. Gates*, Manor-street, Clapham, Surrey, builder, May 31 at 2, London, aud. ac.—*Syde Jane Sevensster*, Mark-lane, City, merchant, June 6 at 11, London, aud. ac.; June 14 at 1, div.—*James Wagstaff*, Alfreton, Derbyshire, draper, June 8 at 10, Sheffield, aud. ac.—*Joseph Farrar*, Bury, Lancashire, grocer, June 11 at 12, Manchester, aud. ac.; June 19 at 12, div.—*Ambrose Sutton*, Cowley-vale, near St. Helena, Lancashire, corn miller, June 10 at 11, Liverpool, aud. ac.—*John Burford* and *James Thompson*, Bilston, Staffordshire, ironmasters, June 24 at 11, Birmingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Robert Scott* and *Wm. Thos. Scott*, Southampton, tailors, June 14 at 1, London.—*William Borrett*, St. Mary-at-Hill, City, licensed victualler, June 18 at half-past 11, London.—*Joseph Jackson*, Brighton, Sussex, hatter, June 18 at 2, London.—*John Cobb*, Great Yarmouth, Norfolk, currier,

June 21 at 12, London.—*Edmund John Niemann*, Newman-street, Oxford-street, Middlesex, picture dealer, June 21 at half-past 1, London.—*Nils Ihlen* and *Frederick Engbrethsen*, Great Tower-street, City, and Russell-street, Rotherhithe, Surrey, ship chandlers, June 21 at 1, London.—*W. Parry*, Brecon, carpenter, June 18 at 11, Bristol.—*Thomas Savage*, Macclesfield, Cheshire, smallware dealer, June 19 at 12, Manchester.—*Elai Barnsley*, Rowley Regis, Staffordshire, gas-tube manufacturer, June 24 at 11, Birmingham.—*A. Burton*, Sheffield, Yorkshire, grocer, June 15 at 10, Sheffield.—*David Green*, Sheffield, Yorkshire, joiner, June 15 at 10, Sheffield.—*James Wagstaff*, Alfreton, Derbyshire, draper, June 15 at 10, Sheffield.—*John Manley*, Liverpool, baker, June 14 at 12, Liverpool.—*William Scotson*, Liverpool, or proprietor, June 14 at 1, Liverpool.—*Gordon G. McKay*, Liverpool, ship-store dealer, June 14 at half-past 12, Liverpool.

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## TUESDAY, May 28.

## BANKRUPTS.

**GEORGE WESTBURY HALL**, Lime-street, City, merchant, June 11 and July 11 at 12, London: Off. Ass. Bell; Sol. Watson, Moorgate-street.—Pet. f. May 21.

**JAMES LEMERE**, Victoria-row, Old Ford North, Bow, Middlesex, late of Broadway, Stratford, Essex, and Crosby-row, Waltham, Surrey, and also of High-street, Shoreditch, Middlesex, colourman, June 11 at 2, and July 9 at 1, London: Off. Ass. Edwards; Sol. Reeve, 10, Tokenhouse-chambers, Tokenhouse-yard, Lothbury, London.—Pet. f. May 24.

**RICHARD JURY BAYFIELD** and **JOSEPH VERNON NEEDHAM**, Birmingham, gun manufacturers, June 10 and July 8 at 11, Birmingham: Off. Ass. Whitmore; Sols. Southall & Nelson, Birmingham.—Pet. d. May 16.

**WILLIAM WHITEM**, Meriden, Warwickshire, grocer, June 7 and 28 at 11, Birmingham: Off. Ass. Whitmore; Sols. Minster & Son, Coventry; Reece, Birmingham.—Pet. d. May 27.

**BENJAMIN GADSBY**, Birmingham, brush maker, June 10 and July 8 at 11, Birmingham: Off. Ass. Kinnear; Sol. Cheshire, Birmingham.—Pet. d. May 16.

**SAMUEL WILMOT**, Nottingham, lace manufacturer, June 7 and 25 at 11, Nottingham: Off. Ass. Harris; Sols. Freeth & Co., Nottingham.—Pet. d. May 24.

**THOMAS TAYLOR BUTTERWORTH**, Birmingham, and Great Bridge, Staffordshire, licensed victualler, June 10 and July 8 at 11, Birmingham: Off. Ass. Whitmore; Sols. Sutton & Jelf, and James & Knight, Birmingham.—Pet. d. May 27.

**GEORGE SIMONS**, Leicester, manufacturer of fancy bisiery, June 7 and 25 at 11, Nottingham: Off. Ass. Harris; Sol. Stretton, Leicester.—Pet. d. May 21.

**EMIL A. BURGER**, Bristol, merchant (trading under the style of Burger & Co.), June 10 and July 9 at 11, Bristol: Off. Ass. Miller; Sols. Strick, Swansea; Brittan & Sons, Bristol.—Pet. f. May 13.

**ROBERT EDMESTON** and **THOMAS HIGHAM**, Bristol, Yorkshire, stuff manufacturers (carrying on business under the style or firm of Edmeston & Higham), June 14 and July 5 at 11, Leeds: Off. Ass. Young; Sols. Wood, Bradford; Carless & Cadworth, Leeds.—Pet. d. May 18.

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THE JURIST.

LONDON, JUNE 1, 1861.

THE select committee appointed by the House of Commons to examine and report on the seven bills introduced by the Solicitor-General for the consolidation and amendment of some of the most important parts of the statutable criminal law—namely, "offences against the person," "larceny and similar offences," "forgery," "malicious injuries to property," "coinage offences," "accessories and abettors," and for repealing various criminal statutes relative to the above—have made a report of their proceedings, and returned the bills as amended by them. Both will repay attentive perusal.

The committee originally consisted of thirty members—the Attorney-General, the Solicitor-General, Sir George Lewis, the Lord Advocate, Sir Fitzroy Kelly, Sir Hugh Cairns, Mr. Serjeant Kinglake, and Messrs. Whiteside, G. Mure, Massey, Henley, Selwyn, Walpole, George, Hardy, Roebuck, Edwin James, Butt, Macaulay, Mellor, Bovill, Cobbett, Collier, Locke, Hadfield, M'Mahon, Ewart, Digby Seymour, Denman, and Ayrton—to which Mr. Macdonogh was afterwards added. The committee had eight meetings, the two first of which were only preliminary, to elect their chairman (the Solicitor-General), and deliberate on the course of their proceedings; the next three were taken up with the discussion of the "Offences against the Person Bill," the sixth and part of the seventh with the "Larceny, &c. Bill;" the residue of the seventh and a portion of the eighth with the "Malicious Injuries to Property Bill;" and the residue of

the eighth to the four remaining bills, namely, the "Forgery Bill," the "Coinage Offences Bill," the "Accessories and Abettors Bill," and the "Criminal Statutes Repeal Bill." At the first of these meetings fourteen members attended; at the second, eight; at the third, thirteen; at the fourth, seventeen; at the fifth, seventeen; at the sixth, eleven; at the seventh, nine; and at the eighth, ten. Six of the members named on the committee did not attend at all—Sir F. Kelly, Sir H. Cairns, Mr. Collier, Mr. Massey, Mr. E. James, and Mr. Cobbett; the Attorney-General and Sir G. Lewis attended once each; the other members with more or less regularity; and the Solicitor-General, as befitted the author of the bills, and chairman of the committee, attended throughout.

We shall now proceed to direct attention to a few of the most remarkable features of these bills as amended by the committee. In the first place, the punishment of death is retained for murder, but abolished in all other statutable offences against the person, as well as in several other offences; and the offences of forging the great or privy seal, the sign-manual, or privy signet, &c., which at present are high treason, are reduced to felony. The grave offences of administering poison with intent to murder, or wounding with like intent; of setting fire to a dwelling-house, any person being therein; and of exhibiting false signals with intent to bring a ship into danger; are to be no longer capital; but punishable by "penal servitude for life, or for any term not less than three years," or imprisonment "for any term not exceeding two years, with or without hard labour, and with or

without solitary confinement;" and in the two latter cases, "if a male under the age of sixteen years, with or without whipping."

It must not be supposed, however, that the consolidation effected by these bills is in all respects complete. Thus we do not find in them any repeal of the 12 Geo. 3, c. 24, s. 1, which renders it a capital felony to set fire to, or destroy, ships of war, arsenals, dockyards, &c. Perhaps this subject may have been purposely omitted by the framers of these bills, on the ground that the above are rather offences against the State than injurious to person or property. In truth, they may be looked at in either light, for although the injury they inflict on the persons or things injured is obvious enough, we have little doubt that under certain circumstances they might be laid as overt acts of treason. In any event, they are at all times offences of a most serious kind, from which removing the punishment of death seems no improvement in our law.

A great alteration has been effected in our criminal law since the consolidation of it by Sir Robert Peel in 1827-29, by the abolition of the punishment of transportation, which is now replaced by penal servitude, on which is grafted the power of the Government to grant tickets of leave to persons sentenced to it: and in the present bills we accordingly find the punishments for felony to be penal servitude, imprisonment, whipping, and solitary confinement. We much wonder, however, whether the framers of these bills, when they introduced them into Parliament, and the committee when they amended and returned them to the House, had present to their minds the insight gained by society into the working of the convict system, as brought to light by the recent outbreaks or revolts of the convicts at Chatham and elsewhere: and also whether they considered the general subject of tickets of leave, including the facts, that to convicts in general a remission of a large portion of their sentence is granted systematically, and by virtue of a settled rule; and that there is established among them a system of rewards for good conduct, which sometimes enables a convict, whose time of servitude has expired, to leave his prison with a considerable sum of money in his pocket. (See ante, pp. 143, 144.) If they did not take these matters into their consideration, they have ill discharged their duty; if they did, we would in all seriousness ask if they really think that the grave, some of them diabolical, offences which we have mentioned above, are adequately punished by the sentences the bills provide for them.

Modern legislation, for some reason which, we confess, we do not very clearly comprehend, is chary in inflicting the punishment of solitary confinement. The present bills make no alteration in this respect; it may still be resorted to, but not for more than one month at a time, or more than three months in each year.

These bills introduce one alteration which was loudly called for. By the existing law the punishment of being once, twice, or thrice publicly or privately whipped may be inflicted for many offences; but, from returns published last year, the mode of carrying this punishment into effect varies in different prisons, so as to render it one of the most uncertain characters. The instrument of punishment not being defined by law, in some places a cat-of-nine-tails is used, in others a birch rod, &c. (See 6 Jur., N. S., part 2, p. 294.) The present bills contain provisions, that "whenever whipping may be awarded for any indictable offence, &c., the court may sentence the offender to be once privately whipped; and the number of strokes, and the instrument with

which they shall be inflicted, shall be specified by the court in the sentence." These clauses were not in the bills when brought into the House, but were proposed in committee by Sir G. Lewis, and carried unanimously.

### COPYRIGHT IN A REPLICA

A QUESTION, more curious in a legal point of view than important to the interests of literature, was discussed in the case of *Reade v. Lacy* (7 Jur., N. S., part 1, p. 463). The plaintiff, about the year 1832, had composed a drama called "Gold," of which an acting edition was, with his permission, published by the defendant Lacy. Afterwards the plaintiff composed a novel intitled "It is never too late to mend," into which he introduced the incidents and a large portion of the dialogue of "Gold." This was published in 1856. Hazlewood, the other defendant, not knowing the existence of "Gold," concocted a drama, which he intitled "Never too late to mend," founded on the plaintiff's novel, and containing many passages which were in the plaintiff's novel, and also in his drama of "Gold." Lacy published Hazlewood's drama. The plaintiff, suing as proprietor of the copyright in each of his works, obtained an injunction against the publication of any passages contained in "Gold," but was left to establish his title at law in respect of passages taken from his novel, and not contained in his play.

The defence was founded mainly on the absence of the "animus furandi"—an expression used by Lord Ellenborough in the case of *Cary v. Kennedy* (4 Esp. 167), to which too much importance has been attached, and against which may be set a dictum by the same judge in *Roworth v. Wilkes* (1 Camp. 94), that "the intention to pirate is not necessary in an action of this sort" (i. e. an action for damages, and not for penalties). The defendant Hazlewood insisted that he had a right to connect a play out of the plaintiff's novel; and Sir W. P. Wood, V. C., declined to express an opinion as to that, but he said that ignorance would not justify the infringement of a right in one case more than another, and to allow such a justification would give occasion for fraud and perjury. With respect to the defendant Lacy, his Honor observed that "he did know about the play of 'Gold.' He must have known that he was reprinting a thing which belonged to Mr. Reade, and which could not possibly be touched. The hardship, therefore, upon him is none—he must clearly have known it." We do not see the way to this conclusion. A publisher is not expected to read the works which he publishes; and there was nothing in the titles of Mr. Reade's play and novel which could suggest a community of subject.

The question actually decided in *Reade v. Lacy* is not very important as the law of copyright stands; it could scarcely arise, except with reference to that trashy kind of literature which would probably grow with equal rankness under protection and without it. But if the proposed extension of copyright in works of art becomes law, the case of *Reade v. Lacy* will probably be frequently cited as an authority for the decision of cases which may be illustrated by reference to the existing law of literary copyright. Suppose that Mr. Reade had sold the copyright in his novel before the commission of the act complained of, and that the proprietor of the copyright refused to join in an application for an injunction, could Mr. Reade alone obtain an injunction against a defendant credibly asserting that he had taken nothing from the play, but all from the novel? Or suppose that the defendant himself were the proprietor of the copy-

right in the novel. We conceive that in that case the injunction must be refused. If that be so, the question suggested on behalf of the defendant in *Read v. Lacy*, whether the publication of a play concocted from a novel is or can be an infringement of the copyright in the novel, did arise, and was virtually decided, in that case; for if the novel per se would be public property for the purpose of making plays, the exercise of that right could not be restrained on the ground of an accidental coincidence in the result with something which could not be directly copied. But there seems to be no doubt that the question of piracy or no piracy, in the case of a drama taken from a novel, is to be determined, like any other question of literary piracy, by comparing the two works, and considering the object and effect of the imitation. There is no literary copyright in the conception or plan of a book; piracy consists in an actual copying of the substance of the work. A play, embodying the plot and characters of a novel, is not, therefore, a piracy; it may be a piracy if it substantially copies the language to any considerable extent. The very different question, whether the performance of a drama founded on a novel is a breach of the author's copyright, has lately been properly and conclusively answered in the negative.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR.—Some years ago we had a Chancellor whose intimate acquaintance with the practice of his court, and profound knowledge of the principles of law and equity, gave weight to his decisions, and secured the respect of the Profession for his authority. *Quantum mutata tempora!* Is it because some of his successors are jealous of a reputation to which they have not attained, that they have so dealt with a pet institution of his (one of a questionable character, but which he no doubt introduced and treated as a remedy, and not as a means, for an abuse) as to fix upon it the stigma of a job?

The establishment of the six conveyancers of the Court of Chancery was nothing less than a "patent of monopoly" for a particular class of professional business. If a similar attempt had been made to abstract a lucrative portion of the business of an advocate from the general competition of the Bar, and to appropriate it to half a dozen nominees of the court, the measure certainly would not have passed sub silentio. Indeed, the hardy propounder of it would, I venture to say, have brought Westminster Hall down about his ears. But the voice of the conveyancer is a small still one, not audible to the public, and therefore not regarded by some Chancellors. The only pretext for the measure in question was, that it enabled the judge to select for his quasi assessors in matters of detail connected with the administration of conveyancing law, men in whom, from their long experience, and their high reputation as real property lawyers, not only the Court, but the Profession generally, could place confidence. This, indeed, was the only reasonable ground on which the solicitor could be arbitrarily prevented from choosing his own conveyancing counsel.

How has this principle been observed in a recent appointment? If the case provokes any remarks which may appear invidious as regards the appointee, he must console himself with the reflection that he only incurs the common fate of a favourite. But it is known to those who by accident know anything at all of this new "one of the six," that though not nominally, he was still virtually, in statu pupillari. Why should I, who desire to avail myself of the ability

and experience of an eminent conveyancer of long standing, be compelled to resort to an apprentice de la ley? Is this to be the result of a system which was avowedly established for an object the very opposite? Is an ostensible legal reform, harsh as it was, to be made the inauguration of a régime of snug little "family compacts?"

In fact, this proceeding is not only an insult to an honourable branch of the Profession, but a virtual breach of the very legislative enactment which it hypocritically professes to carry out. Is there to be no censor in these matters? Is indifference or "respect of persons" to keep our lips dumb? I venture to suggest that it is the province of an influential organ of the Profession like *THE JURIST* to take proper note of such occurrences. Self-compacency is very deaf and callous; but one who is ever trimming his sails to catch the "popularis aura" could only have committed such a faux pas as this because he thought it "a very little one," too insignificant to attract public notice. Eminent as he has been in the walks of *Nisi Prius*, he does not possess those qualifications in a court of equity or conscience which should enable him to appreciate the evil attendant upon a job (apparently to him, but not really, small) perpetrated by one in his high place.

Of those who look to you for some notice of cases in the Profession like this, I am,  
May 27, 1861.

ONE, &c.

[There is a proverb which in substance recommends the giving of his due to every one, especially to him who has most need of such allowance; and in deference to it our correspondent should not have omitted to credit the Lord Chancellor with his appointment to the vacancy left by the death of Mr. Jarman—an appointment made, ostentatiously of course, but still made upon the recommendation of those most competent to advise. Of the appointment now in question it is sufficient to observe, without implying any disparagement of the fortunate appointee, that it is obviously a job. The retiring counsel was the paid commissioner, his successor the secretary, of the Statute-law Commission, which has been kicked out of existence with contempt and derision on account of its imbecility. Except by his connexion with that commission, and his presumed complicity in Lord Cranworth's foolish statute, we are not aware that the gentleman in question is generally known to the Profession. We have the greatest respect for his intentions, and whatever we may think of him as an amender of the law, we do not suggest a doubt of his abilities in the practice of conveyancing; but we are quite sure that, even setting modesty aside, he himself would be the first to disclaim any title to rank among the six most eminent conveyancers of the day. The claim of Mr. Jarman's successor was not founded on his eminence as a practising conveyancer, but on his distinguished merit as a writer on the subject with which the conveyancing counsel of the court are expected to be most conversant.]

JURIDICAL SOCIETY.—A meeting of this society took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 27th May, W. T. S. Daniel, Esq., Q. C., in the chair; when a paper was read by Mr. Edward Webster, intitled "On Promotion at the English Bar: its Effects on the Barrister, the Crown, and the Suitor." The chairman, Mr. Sidney Smith, and Mr. Worsley addressed the meeting on the subject of the paper.

### Reviews.

*An Elementary View of the Proceedings in an Action at Law.* By JOHN WILLIAM SMITH, Esq., late of the Inner Temple, Barrister-at-Law, Author of "Leading Cases," "A Compendium of Mercantile Law," &c. Seventh Edition, adapted to the present Practice, by SAMUEL PRENTICE, Esq., Barrister-at-Law, Editor of "Chitty's Archbold's Practice."

[V. & R. Stevens; H. Sweet; and W. Maxwell. 1860.]

*An Action at Law; being an Outline of the Jurisdiction of the Superior Courts of Common Law, with an Elementary View of the Proceedings in Actions therein.* By ROBERT MALCOLM KERR, LL.D., Barrister-at-Law, now Judge of the Sheriffs' Court of the City of London. Third Edition, prepared for the press by BASSETT SMITH, Esq., of the Middle Temple, Barrister-at-Law.

[London, Butterworths: Dublin, Hodges & Co. 1861.]

THESE are fresh editions of two elementary treatises, on both of which a favourable judgment has been pronounced by the Profession, the first having attained its seventh, and the second its third edition. The similarity of title in the two works is, however, much to be regretted. This was objectionable enough in former editions, but the mischief is now aggravated by a coincidence in name. Each professes to treat of "an action at law;" one being the work of the late Mr. John William Smith, now edited by Mr. Prentice, the editor of Chitty's Archbold's Practice; and the other being the production of Mr. Robert Malcolm Kerr, now judge of the Sheriffs' Court of London, who has brought out an edition of Blackstone's Commentaries, and now edited by Mr. Bassett Smith. Moreover, the label on the first is "Smith's Action at Law, seventh edition, by S. Prentice, Esq.," and that on the second "Kerr's Action at Law, third edition, by Smith;" so that the title, "Smith's Action at Law," is perfectly ambiguous, and very likely to mislead, especially students.

There is considerable merit in both works. The name of John William Smith is a sufficient guarantee for the first, while the second has rather the advantage in being the more recent, and published since the Common-law Procedure Act, 1860. We have no intention of comparing them in detail, and will just refer to one subject, in which we think they are both open to just criticism—we mean the power and practice of the courts in granting new trials—a matter of great importance, whether viewed in a constitutional or a professional light.

Thus Mr. Kerr informs us (p. 391), "If the judge erroneously direct the jury as to the effect of the evidence adduced, the party whose case or defence is thereby prejudiced may tender a bill of exceptions, or move for a new trial." This language is rather loose, and should be understood to mean, that if the judge erroneously directs the jury as to the legal effect of evidence, the Court will grant a new trial. There is no proposition more clearly established than this—that no comment of the judge on the facts in evidence, however unfounded, is ground for the interference of the Court.

Again (pp. 392, 393), Mr. Kerr tells us, "If the verdict is unreasonable, a new trial will be granted. Thus a new trial will be granted on the ground that the damages are excessive. . . .

"So, if the verdict has been against the weight of the evidence, a new trial will be granted, the Court being in this case always much influenced by the opinion of the judge who tried the cause. If he expresses dissatisfaction with the verdict, a new trial

will be granted; but if the judge reports that the evidence was nearly balanced, so that the effect of it was for the jury, the Court will not interfere. If there was no evidence to have justified the jury in arriving at the conclusion at which they did arrive, the Court will always grant a new trial; and so, if the verdict was perverse—that is, directly contrary to the opinion of the judge—the Court will grant a new trial."

If a verdict is to be set aside because "it is directly contrary to the opinion of the judge," any person, a student or layman especially, might well ask, *cui bono* the jury? But the above is an incorrect statement. A perverse verdict is "where the jury refuse to listen to the law as correctly laid down to them by the judge." (Per Parke, B., in *Mould v. Griffith*, 8 Jur., part 1, p. 1010; see also *Saunders v. Davies*, 16 Jur., part 1, p. 481, per Pollock, C. B., and *Hawkins v. Alder*, 18 C. B. 640, per Jervis, C. J.) Besides, the former part of the sentence above quoted is not well expressed. Whether there was any evidence is a question of law, and consequently to be determined by the judge, who, when there is none, ought to withdraw the case from the jury altogether; and if he fails to do so, and leaves the case to them, the verdict will indeed be set aside, but on the ground of misdirection—a fault in the judge, not a fault in the jury. It is important not to lose sight of the distinction between these; for when the fault is that of the judge, a new trial is granted *ex debito iustitiæ*; whereas, when there is any evidence proper to be left to the jury, the Court will not set aside the verdict unless it is so clearly against the weight of the evidence, that the Court, in the exercise of its discretion (which must, however, be understood to mean a judicial, and not an arbitrary, one), determines that it ought not to be allowed to stand: (See *Wood v. Gunston*, Sty. 466, and *Creed v. Fisher*, 9 Exch. 472).

This subject is better treated in the other work before us, although even there not with the necessary clearness. Thus we are informed (p. 151), "One of the commonest grounds on which new trials are applied for is, that the verdict has been either against the weight of the evidence, or without any evidence at all. Where there was no evidence at all to warrant the conclusion come to by the jury, the Court will always grant a new trial; but where there was some evidence upon the winning side, they interfere, if at all, with great reluctance, considering that where there is conflicting testimony, it is the province of the JURY, not the COURT, to strike the balance. Still, if the judge who tried the cause express dissatisfaction with the verdict, it is usual, out of respect for his opinion, to submit the case to the investigation of another jury." Here, again, we find the ambiguous phrase, "where there was no evidence;" and the expression, that when the judge who tried the cause expresses dissatisfaction with the verdict, it will be set aside "out of respect to his opinion," is calculated to give rise to misunderstanding. The reason why the Court pays so much deference to the opinion of the judge by whom the cause was tried is, not out of respect to himself—which certainly would be a frail reason for inflicting on the parties the trouble and expense of a new trial—but that he has had the opportunity, which they have not had, of hearing the evidence, and, what is still of greater importance, observing the demeanour of the witnesses when giving it.

At p. 147 of this work it is stated that the first reported instance of a motion for a new trial is the case of *Wood v. Gunston* (Sty. 462, 466), in 1665. *Wood v. Gunston* was decided in 1656, but the above error is perhaps a misprint.



## BOOKS RECEIVED.

Roscoe's Digest of the Law of Evidence in Criminal Cases. Fifth Edition, with considerable Additions. By David Power, Esq., one of her Majesty's Counsel, Recorder of Ipswich.—Stevens & Sons; Sweet; Maxwell. 1861.

A Handy Book on the Law of Infants. By John Eshworth, Solicitor.—Stevens & Sons.

## PUBLIC EXAMINATION OF STUDENTS.

## TRINITY TERM, 1861.

At the Public Examination of Students of the Inns of Court, held at Lincoln's-inn Hall, on the 15th, 16th, and 17th May, 1861, the Council of Legal Education awarded to—

Hugh H. O. R. McDermott, Esq., student of the Middle Temple, a Studentship of Fifty Guineas per annum, to continue for a period of three years.

Esauel Maguire Underdown, Esq., student of the Inner Temple; John Houston, Esq., student of the Middle Temple; and Charles Carleton Massey, Esq., student of Lincoln's Inn, Certificates of Honour of the First Class.

Charles Owen, Esq., student of the Inner Temple; John Bamfield Street, Esq., student of Lincoln's Inn; James Watson, Esq., student of the Inner Temple; Joseph Inglesant, Esq., student of the Inner Temple; Reginald Carew Glanville, Esq., student of the Inner Temple; Robert Dalby Dalby, Esq., student of Lincoln's Inn; John Alfred Hudson, Esq., student of the Inner Temple; the Hon. Evelyn Melbourne Ashley, student of Lincoln's Inn; Christopher John Cottingham, Esq., student of Lincoln's Inn; and Charles Bertie Palleine Bonanquet, Esq., student of Lincoln's Inn, Certificates that they have satisfactorily passed a Public Examination.

By order of the Council,  
(Signed) EDWARD RYAN, Chairman pro tem.

JOHN SAVILE the younger, Leeds and Wakefield, Yorkshire, manufacturer of patent manure, June 14 and July 5 at 11, Leeds: Off. Ass. Young; Sols. Stewart, Wakefield; Bond & Barwick, Leeds.—Pet. d. May 18.

THOMAS OWENS, Holyhead, Anglesey, flour dealer, June 6 and 28 at 12, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. May 18.

PATRICK PRESTON, Liverpool, shoe manufacturer, June 10 and 28 at 12, Liverpool: Off. Ass. Morgan; Sol. Quinn, Liverpool.—Pet. d. May 25.

JAMES CLARKE, BENJAMIN CLARKE, and JOHN RICHARD CLARKE, Worsley and Clayton, Lancashire, cotton spinners (trading under the style or firm of Richard Clarke & Sons), June 13 and July 4 at 12, Manchester: Off. Ass. Herniman; Sols. Marshand & Edga, Bolton and Manchester.—Pet. f. May 18.

WILLIAM SNEYMOUR MARSHALL, Durham, cooper, June 7 and July 12 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Pet. f. May 24.

## MISTRIES.

Henry Charles Chown, Sheffield, Yorkshire, shoe dealer, June 8 at 10, Sheffield, ch. ass.—Richard Castle, Wantage, Berkshire, cattle dealer, June 12 at 12, London, last ex.—Richard Burrell and Joseph Burrell, Old Change, City, wholesale warehousemen, June 13 at 2, London, and ac.—Henry Austin, Bermondsey-street, Bermondsey, Surrey, manufacturing chemist, June 11 at 1, London, and ac.—William James Webb, King Henry's-walk, Ball's-pond-road, Middlesex, rug manufacturer, June 13 at half-past 12, London, and ac.—Richard Green the younger, Brighton, Sussex, ironmonger, June 8 at 11, London, and ac.—Walter Elliott, Beaminster, Dorsetshire, grocer, June 4 at 12, Ex-

ter (and not Plymouth, as before advertised), and ac.—Bolt. Ozley, Chippenham, Wiltshire, maltster, June 13 at 11, Bristol, and ac.—Henry Thomas Tidmarsh, Stratford-upon-Avon, Warwickshire, draper, June 21 at 11, Birmingham, and ac.—George Dodd, Tunstall, Staffordshire, shoe dealer, June 21 at 11, Birmingham, and ac.—Frederick Baker, Wednesbury, Staffordshire, draper, June 21 at 11, Birmingham, and ac.—J. Reynolds, Burslem, Staffordshire, grocer, June 28 at 11, Birmingham, and ac.—Joseph Randle, Coventry, builder, June 28 at 11, Birmingham, and ac.—Michael Henry Robinson, Wolverhampton, Staffordshire, tailor, June 28 at 11, Birmingham, and ac.—Samuel Hopkins, Bewdley, Worcestershire, horn worker, June 27 at 11, Birmingham, and ac.—Abraham Wootton, Bloxwich, Walsall, Staffordshire, timber merchant, June 27 at 11, Birmingham, and ac.—Thomas Marriage and Walter Marriage, Springfield, near Chelmsford, Essex, millers, June 20 at 12, London, div.—Oliver Alfred Seagood and Henry Willis Smith, Wellington-road, Holloway, Middlesex, builders, June 20 at 11, London, div.—James Watt, Mark-lane, City, and King-street, Hackney-road, Middlesex, canvas merchant, June 19 at 1, London, div.—Wm. Clark the younger, Southwark-bridge-road, Southwark, and Beckingham-row, New Kent-road, Surrey, timber merchant, June 19 at half-past 1, London, div.—Alexander W. Laidlaw, Bury-court, St. Mary-axe, City, wine merchant, June 19 at half-past 11, London, div.—Timothy Spencer, Woolwich, Kent, tailor, June 19 at 12, London, div.—J. Steenson, Crawford-street, Bryanston-square, Middlesex, cabinet maker, June 19 at half-past 12, London, 2n. div.—T. Laurence and W. Mortimore, St. Mary-axe, City, and Francis Benj. Schrader, Liverpool, leather factors, June 21 at 11, London, div. joint est., and div. sep. est. of Francis Benj. Schrader.—Richard L. Cole, Lime-street, City, merchant, June 19 at 1, London, div.—Abraham Jacobs, John Jacobs, and Henry Jacobs, Crown-street, Finsbury, Middlesex, merchants, June 19 at half-past 12, London, div.—John Perkins, Oakham, Rutlandshire, haberdasher, June 25 at 1, London, div.—George Simons and Moses Simons, King's-square, Goswell-road, Middlesex, watch manufacturers, June 25 at 1, London, div.—Thomas Jackson, Cannon-street, City, contractor, June 25 at 12, London, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

John King, New Alresford, Southampton, saddler, June 20 at half-past 12, London.—William A. Putnam, New Oxford-street, Middlesex, glass dealer, June 16 at 11, London.—C. Boddington, St. Martin's-lane, Westminster, Middlesex, worsted dealer, June 20 at half-past 1, London.—C. Ormond, Hemington, Northamptonshire, corn thrasher, June 19 at 1, London.—Charles Powell, Dartford, Kent, grocer, June 19 at 1, London.—Robert Ozley, Chippenham, Wiltshire, maltster, June 24 at 11, Bristol.—Wm. Bowen, Swansea, Glamorganshire, victualler, June 18 at 11, Bristol.—Robert C. Steven, West Hartlepool, Durham, grocer, June 19 at half-past 12, Newcastle-upon-Tyne.—George Drake, St. Thomas the Apostle, Devonshire, glover, June 19 at 12, Exeter.—George Norman and George Bennett Norman, Birmingham, brass founders, June 27 at 11, Birmingham.—James Nixon, Lincoln, house decorator, June 19 at 12, Kingston-upon-Hull.—Richard Evans, Tyddyn-y-Pandy, Towyn, Merionethshire, flannel manufacturer, June 28 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

Thomas Gray, Garrett Mills, Wandsworth, Surrey, manufacturer of materials for making paper.—Andrew Robert Eley, Chiswell-street, Middlesex, upholsterer.—Thos. Marshall, Brick-lane, Spitalfields, Mile-end, Tottenham, Ponder's Rod, and Enfield, Middlesex; Loughton, Essex; and Waltham and Cheshunt, Hertfordshire, coal merchant.—William Bennett, Nether Stowey, Somersetshire, linen-draper.—S. P. Pennell, Liverpool, commission merchant.—James Griffiths and Thomas Timmins, Oldbury, Worcestershire, licensed victuallers.—Edwin Ingram, Bileston, Staffordshire, grocer.—Henry T. Tidmarsh, Stratford-upon-Avon, Warwickshire, draper.—Samuel W. Richards, Birmingham, hatter.

## PETITION ANNULLED.

Wm. Francis and James Hooper, New Leather-market, Bermondsey, Surrey, leather factors.

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THE JURIST.

LONDON, JUNE 8, 1861.

THE Federal Government of the United States of America has kept its word, by proclaiming a blockade of the ports of the Confederate States; and some correspondence on the subject between that Government and our own has been laid before the House of Commons. In a recent number (ante, p. 199) we referred to this unfortunate civil war, and the Queen's proclamation, by which all her Majesty's subjects are most emphatically cautioned against interference in that war; and distinct intimation is given that such as do interfere, and are thereby involved in difficulty or danger, must not expect protection or aid from their own Government, but, on the contrary, will incur the high displeasure of their Sovereign. On that occasion also we expressed our apprehension that efforts would be made by inconsiderate and unprincipled persons to involve us in a war with the United States, by relations of real or supposed outrages against British persons or property; and we have not been deceived in the anticipation. The whole matter has since been brought before the House of Commons on several occasions, and discussed by a portion of the periodical press, in a manner too plainly tending to that end. On the other hand, however, the Government has reiterated its fixed determination to observe a strict neutrality between the contending parties; and

several independent members have, much to their credit, strongly denounced the proceedings above mentioned. And as further evidence of neutrality, the Government (having first consulted the law officers of the Crown) has given orders to interdict the armed ships and privateers of both the contending parties from carrying prizes into the ports, harbours, roadsteads, or waters of the United Kingdom, or of any of her Majesty's possessions abroad.

There cannot, we apprehend, be a shadow of doubt, that up to the present moment the Federal Government of America, in the matter of this blockade, has done nothing beyond what, according to the well-known and established law of nations, it had the most perfect right to do. It is an indisputable proposition of that law, that any belligerent power has a right to place the ports of its adversary in a state of blockade, and to treat as an enemy any neutral vessel which persists in attempting to enter any of those ports after notice of the existence of the blockade has been given, either to its Government or itself. At the Congress held at Paris in 1856, however, seven of the Great Powers of Europe, of which Great Britain was one, agreed that blockades, to be obligatory, must be *effective*. The Government of the United States of America was not, indeed, a party to that Congress; but probably the above was only declaratory of the pre-existing law of nations. Be this, however, as it may, that Government has at all times insisted on the principle then asserted, and on the present occasion has

distinctly avowed its intention to abide by it; and, although the fact was brought to its notice, by our ambassador at Washington, that the line of coast which it was proposed to blockade had an extent of about 3000 miles, declared their belief of their power to make the blockade effective. With respect to one of the ports of that coast, indeed—Charleston—it is said that it is already blockaded by the United States frigate Niagara, one of the largest, if not the largest ship of war in the world.

It has been assumed by many persons, both in and out of Parliament, that the British Government has recognised the existence of the Confederate States of America as an existing Government; *de facto*, if not *de jure*; from which they have proceeded to deduce some consequences well calculated to embroil us in the dispute. The British Government has, however, refused to make any such recognition—at least, for the present; and the language of the proclamation, which is very carefully worded, appears to us to warrant no such inference.

Another disagreeable question connected with this subject has been started. The Government of the United States has declared its intention to treat as pirates the crews of all privateers bearing letters of marque from the Confederate States; and the case has been put, supposing among such crews there should chance to be British subjects, how ought the British Government to act? The permitting the above threat to be put in force might be construed as a recognition that the Confederate States were not a Government, either *de jure* or *de facto*, but rebels against lawful authority; to interpose would be asserting the reverse, and amount to recognising them as an actually existing Government—a course which might bring us into a war with the Federal Government. We are inclined to think that the former course would be the correct one. We are not sure that allowing that threat to be carried into execution necessarily amounts to declaring the Confederate States rebels; and even supposing that in carrying it into execution the Government of the United States would exceed its just rights, British subjects who suffer from that are not innocent persons. Their interference in that war would be in distinct violation of the laws of their own country, notwithstanding distinct notification by their Sovereign of the existence of those laws; and they could not, as appears to us, have any right to call on their Government to extricate them from difficulties into which they have themselves rushed in express defiance of its authority.

#### SIR GEORGE GREY'S ORDERS.—ALLOWANCES TO WITNESSES.

THE following has been forwarded to us by Messrs. Stephens & Matthews, solicitors, 29, Essex-street, Strand. The attorney mentioned is Mr. A. L. Eastlin, of the firm of Welsh & Eastlin, Somerton:—

The junior partner of a firm of solicitors in Somersetshire was subpoenaed as a witness at the Taunton Assizes, commencing on the 19th March last, on a highly important criminal prosecution, *Reg. v. Munckton and Gent*, who were charged with cutting a bank of the river Parrett in order to cause a flood. His firm are clerks to the bench of magistrates of the Somerton division, before whom the case was originally heard, and he was summoned, *ex officio*, to prove the deposi-

tions before the bench of a material witness, who died between his examination by the magistrates and the trial at the assizes.

The bill was found early, but the indictment not tried till the last day of the assizes; but, by arrangement with the prosecuting solicitor, Mr. H. Lovibond, of Bridgewater, the witness only remained *four entire days* in the assize town.

The following is the allowance made him:—

Four days, at 3s. 6d. ....	£0 14 0
Three nights, at 2s. ....	0 6 0
Mileage (18 miles to, 18 miles from). ....	0 16 0
	£1 16 0

The associate, on being applied to to increase the allowance to one guinea per diem (the witness being a duly-qualified practising solicitor), refused, on the ground that such was only payable where the professional witness was subpoenaed to give a *professional opinion*, and in this case he had only to prove depositions.

So that a practising solicitor is liable to be dragged from his business for four entire days, to his great detriment, and then, under the notorious orders, paid *considerably less than his actual expenses* in living and lodging in the assize town, and travelling.

It is in the option of an injured person to become a prosecutor or not, but a witness has no alternative but to obey the subpoena, and therefore the loss he sustains is a peculiar hardship upon him.

#### PROCEEDINGS IN PARLIAMENT.

##### HOUSE OF LORDS.

THE committee to which the Bankruptcy Bill of the Government was referred has made its report to the House, returning the bill with important amendments.

Lord Brougham has introduced a bill, similar to one that was unsuccessful last year, to assimilate the practice in criminal to that in civil cases, so far as relates to the speeches of counsel.

##### HOUSE OF COMMONS.

The Courts of Justice Building Bill has been referred to a select committee.

The Solicitor-General, in answer to a question, said, that in the present state of the public business, he could not name a day (certainly not an early day) for proceeding with the Criminal-law Consolidation Bills. This does not augur well for the probability of these important measures passing into law this session, and still less for their being passed after the full and calm discussion to which they are entitled.

With reference to the civil war in America, Lord John Russell stated that the Government, after consulting the law officers of the Crown, had given orders "to interdict the armed ships and also the privateers of both parties from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, or of any of her Majesty's colonies or possessions abroad." The Minister added, that the French Government had declared its intention to act upon its own law; which, when France stands neutral in a war, requires all privateers of the contending parties, entering with prizes any of her ports or harbours, to depart within twenty-four hours, and prohibits the prizes being disposed of there.

LAW AMENDMENT SOCIETY.—A meeting of this society took place at its rooms, 3, Waterloo-place, on Monday, the 27th May, Lord Brougham in the chair; when Mr. Thomas Webster read a paper on "The Amendment of the Patent Laws."

BILL IN PROGRESS.

ADMIRALTY COURT JURISDICTION BILL.

*A Bill (with the Amendments made by the Commons), intituled "An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty."*

[*Note.*—The words printed in italics were omitted by the Commons, and the words printed in small capitals, and clauses A. and B., were added by the Commons.]

Whereas it is expedient to extend the jurisdiction and improve the practice of the High Court of Admiralty of England: be it therefore enacted &c. as follows:—

Sect. 1. This act may be cited for all purposes as "The Admiralty Court Act, 1861."

2. In the interpretation and for the purposes of this act (if not inconsistent with the context or subject) the following words shall have the respective meanings hereinafter assigned to them—that is to say,

"Ship" shall include any description of vessel used in navigation not propelled by oars:

"Cause" shall include any cause, suit, action, or other proceeding in the Court of Admiralty.

3. This act shall come into operation on the 1st May, June, 1861.

4. The High Court of Admiralty shall have jurisdiction over any claim for the building, equipping, or repairing of any ship, if at the time of the institution of the cause the ship, or the proceeds thereof, are under the arrest of the court.

5. The High Court of Admiralty shall have jurisdiction over any claim for necessaries supplied to any ship elsewhere than in the port to which the ship belongs, unless it is shewn to the satisfaction of the court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: provided always, that if in any such cause the plaintiff do not recover fifty twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

6. The High Court of Admiralty shall have jurisdiction over any claim by the owner, or consignee or assignee, of any bill of lading of any goods carried into any port in England or Wales in any ship, for damage done to the goods, or any part thereof, by the negligence or misconduct of, or for any breach of duty or breach of contract on the part of, the owner, master, or crew of the ship, unless it is shewn to the satisfaction of the court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: provided always, that if in any such cause the plaintiff do not recover fifty twenty pounds, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

7. The High Court of Admiralty shall have jurisdiction over any claim for damage done by any ship or barge: provided always, that if in any such cause the plaintiff do not recover 50*l.*, he shall not be entitled to any costs charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

A. The High Court of Admiralty shall have jurisdiction to decide all questions touching the ownership, possession, employment, and earnings of any ship registered at any port in England or Wales, or any share thereof, and may settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship, or any share thereof, to be sold, and may make such order in the premises as to it shall seem fit.

8. All the provisions of the Merchant Shipping Act, 1854, in regard to salvage of life from any ship or boat within the limits of the United Kingdom, shall be extended to the salvage of life from any British ship or boat, wheresoever the services may have been rendered, and from any foreign ship or boat, where the services have been rendered either wholly or in part in British waters.

9. The High Court of Admiralty shall have jurisdiction over any claim by a seaman of any ship for wages earned by him on board the ship, whether the same be due under a special contract or otherwise, and also over any claim by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship: provided always, that if in any such cause the plaintiff

do not recover 50*l.*, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

10. The High Court of Admiralty shall have jurisdiction over any claim in respect of any mortgage duly registered according to the provisions of the Merchant Shipping Act, 1854, whether the ship, or the proceeds thereof, be under arrest of the said court or not.

11. The High Court of Admiralty shall have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in England by the 62nd, 63rd, 64th, and 65th sections of the Merchant Shipping Act, 1854.

12. Whenever any ship or vessel, or the proceeds thereof, are under arrest of the High Court of Admiralty, the said court shall have the same powers as are conferred upon the High Court of Chancery in England by the ninth part of the Merchant Shipping Act, 1854.

13. The High Court of Admiralty shall be a court of record for all intents and purposes.

14. All decrees and orders of the High Court of Admiralty, whereby any sum of money, or any costs, charges, or expenses, shall be payable to any person, shall have the same effect as judgments in the superior courts of common law, and the persons to whom any such monies, or costs, charges, or expenses, shall be payable, shall be deemed judgment creditors; and all powers of enforcing judgments possessed by the superior courts of common law, or any judge thereof, with respect to matters depending in the same courts, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the said Court of Admiralty with respect to matters therein depending; and all remedies at common law possessed by judgment creditors shall be in like manner possessed by persons to whom any monies, costs, charges, or expenses are, by such orders or decrees of the said Court of Admiralty, directed to be paid.

15. If any claim shall be made to any goods or chattels taken in execution under any process of the High Court of Admiralty, or in respect of the seizure thereof, or any act or matter connected therewith, or in respect of the proceeds or value of any such goods or chattels, by any landlord for rent, or by any person not being the party against whom the process has issued, the registrar of the said court may, upon application of the officer charged with the execution of the process, whether before or after any action brought against such officer, issue a summons calling before the said court both the party issuing such process and the party making the claim, and thereupon any action which shall have been brought in any of her Majesty's superior courts of record, or in any local or inferior court, in respect of such claim, seizure, act, or matter as aforesaid, shall be stayed; and the court in which such action shall have been brought, or any judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing the action to pay the costs of all proceedings had upon the action after issue of the summons out of the said Admiralty Court; and the judge of the said Admiralty Court shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit; and such order shall be enforced in like manner as any order made in any suit brought in the said court. Where any such claim shall be made as aforesaid, the claimant may deposit with the officer charged with the execution of the process either the amount or value of the goods claimed, the value to be fixed by appraisalment in case of dispute, to be by the officer paid into court to abide the decision of the judge upon the claim, or the sum which the officer shall be allowed to charge as costs for keeping possession of the goods until such decision can be obtained; and in default of the claimant so doing, the officer may sell the goods, as if no such claim had been made, and shall pay into court the proceeds of the sale, to abide the decision of the judge.

16. The judge of the High Court of Admiralty shall have all such powers as are possessed by any of the superior courts of common law, or any judge thereof, to compel either party in any cause or matter to answer interrogatories, and to enforce the production, inspection, and delivery of copies of any document in his possession or power.

17. Any party in a cause in the High Court of Admiralty



shall be at liberty to apply to the said court for an order for the inspection by the Trinity Masters or others appointed for the trial of the said cause, or by the party himself or his witnesses, of any ship or other personal or real property, the inspection of which may be material to the issue of the cause, and the court may make such order in respect of the costs arising thereout as to it shall seem fit.

18. Any party in a cause in the High Court of Admiralty may call on any other party in the cause, by notice in writing, to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, the costs of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge shall certify that the refusal to admit was reasonable.

19. Whenever it shall be made to appear to the judge of the High Court of Admiralty that reasonable efforts have been made to effect personal service of any citation, monition, or other process issued under seal of the said court, and either that the same has come to the knowledge of the party thereby cited or monished, or that he wilfully evades service of the same, and has not appeared thereto, the said judge may order that the party on whose behalf the citation, monition, or other process was issued be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge may seem fit, and all proceedings thereon shall be as effectual as if personal service of such citation, monition, or other process had been effected.

20. The service in any part of Great Britain or Ireland of any writ of subpoena ad testificandum or subpoena duces tecum, issued under seal of the High Court of Admiralty, shall be as effectual as if the same had been served in England or Wales.

21. Any new writ or other process necessary or expedient for giving effect to any of the provisions of this act may be issued from the High Court of Admiralty in such form as the judge of the said court shall from time to time direct.

22. All the powers possessed by any of the superior courts of common law, or any judge thereof, under the Common-law Procedure Act, 1854, and otherwise, with regard to references to arbitration, proceedings thereon, and the enforcing of awards of arbitrators, shall be possessed by the judge of the High Court of Admiralty in all causes and matters depending in the said court; and the registrar of the said Court of Admiralty shall possess, as to such matters, the same powers as are possessed by the masters of the said superior courts of common law in relation thereto.

23. The registrar of the High Court of Admiralty shall have the same powers under the 15th section of the Merchant Shipping Act, 1854, as are by the said section conferred on the masters of her Majesty's Court of Queen's Bench in England and Ireland.

24. The registrar of the High Court of Admiralty may exercise, with reference to causes and matters in the said court, the same powers as any surrogate of the judge of the said court sitting in chambers might or could have heretofore lawfully exercised; and all powers and authorities by this or any other act conferred upon or vested in the registrar of the said High Court of Admiralty may be exercised by any deputy or assistant registrar of the said court.

25. The registrar of the said Court of Admiralty shall have power to administer oaths in relation to any cause or matter depending in the said court; and any person who shall wilfully depose or affirm falsely in any proceeding before the registrar, or before any deputy or assistant registrar, of the said court, or before any person authorised to administer oaths in the said court, shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury.

26. Any advocate, barrister-at-law, proctor, attorney, or solicitor of ten years' standing, or any person who shall have been a clerk for at least fifteen years in the office of the registrar of the High Court of Admiralty, may be appointed registrar, or assistant, or deputy registrar of the said court.

27. Any advocate, barrister-at-law, proctor, attorney, or solicitor may be appointed an examiner of the High Court of Admiralty.

B. Any person who shall have paid, on his admission in any court as a proctor, solicitor, or attorney, the full stamp duty of 25*s.*, and who has been or shall hereafter be admitted a proctor, solicitor, or attorney (if in other respects entitled

to be so admitted), shall be liable to no further stamp duty in respect of such subsequent admission.

28. Any proctor of the High Court of Admiralty may act as agent of any attorney or solicitor, and allow him to participate in the profits of and incident to any cause or matter depending in or connected with the said court; and nothing contained in the act of the 55 Geo. 3, c. 160, shall be construed to extend to prevent any proctor from so doing, or to render him liable to any penalty in respect thereof.

29. The act passed in the 2 Hen. 4, intituled "A Remedy for him who is wrongfully pursued in the Court of Admiralty," is hereby repealed.

30. Any party aggrieved by any order or decree of the judge of the said Court of Admiralty, whether made *ex parte* or otherwise, may, with the permission of the judge, appeal therefrom to her Majesty in Council, as fully and effectually as from any final decree or sentence of the said court.

31. In any cause in the High Court of Admiralty bail may be taken to answer the judgment as well of the said court as of the court of appeal, and the said High Court of Admiralty may withhold the release of any property under its arrest until such bail has been given; and in any appeal from any decree or order of the High Court of Admiralty, the court of appeal may make and enforce its order against the surety or sureties who may have signed any such bail bond, in the same manner as if the bail had been given in the court of appeal.

32. The High Court of Admiralty may, on the application of the defendant in any cause of damage, and on his instituting a cross cause for the damage sustained by him in respect of the same collision, direct that the principal cause and the cross cause be heard at the same time and upon the same evidence; and if in the principal cause the ship of the defendant has been arrested, or security given by him to answer judgment, and in the cross cause the ship of the plaintiff cannot be arrested, and security has not been given to answer judgment therein, the court may, if it think fit, suspend the proceedings in the principal cause until security has been given to answer judgment in the cross cause.

33. The jurisdiction conferred by this act on the High Court of Admiralty may be exercised either by proceedings *in rem* or by proceedings *in personam*.

#### COURT OF QUEEN'S BENCH.

TRINITY TERM, 24 VICT.—June 4, 1861.

This Court will hold sittings on Thursday the 13th and Friday the 14th days of June instant, also on Thursday the 20th day of June instant, and the two following days, and on Monday the 24th day of June instant and the two following days, and will at such sittings proceed in disposing of the causes in the New Trial, Special, and Crown Papers, and any other matter then pending. The Court will also hold a sitting on Tuesday the 9th day of July next, at eleven o'clock A.M., for the purpose of giving judgment in causes and matters previously argued. BY THE COURT.

#### COURT FOR DIVORCE AND MATRIMONIAL CAUSES.—

This Court has just given two important decisions. By one, the full Court (consisting of the Judge Ordinary, Wightman and Williams, JJ.) has confirmed the ruling of the Judge Ordinary in *Gray v. Gray* (to which we have referred, ante, p. 187); that where, after a decree nisi has been granted for a divorce, the Attorney-General interposes to impeach the proceedings on the ground of collusion, the petitioner will not be allowed to withdraw the petition against the will of the Attorney-General. The other is in a case of *Wing v. Taylor*, where the same judges held that a marriage is not rendered void by the fact, that before marriage the husband had unlawful intercourse with the mother of the wife, which it was contended created an affinity between the parties. The Judge Ordinary, in delivering his judgment, said that one consequence of such a doctrine would obviously be, that no marriage, however solemnised, could be rendered secure against impeachment by any amount of care and caution.

**PARTNERSHIP DISSOLVED.**

*Richard B. Beddome and J. Arthur Beddome, Nicholas-lane, London, attorneys and solicitors.*

**TUESDAY, June 4.**

**BANKRUPTS.**

**JOHN JOSHUA CARRYER**, Victoria Park-square, Cambridge-road, Mile-end, Middlesex, manufacturing chemist (lately carrying on business with Joseph Pickering, Suffolk-street, Cambridge-road, Mile-end, under the firm of Pickering & Carryer), June 27 at 12, London: Off. Ass. Bell; Sol. Watson, 18, Cannon-street West.—Pet. f. May 30.

**WILLIAM ADAMS**, Red Hill, Surrey, grocer, June 13 and July 11 at 1, London: Off. Ass. Bell; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. June 3.

**WILLIAM HUGHES BOREHAM**, Brudenell-place, New North-road, Middlesex, tailor, June 15 at 12, and July 4 at 1, London: Off. Ass. Johnson; Sols. Sole & Co., Alderbury.—Pet. f. June 4.

**THOMAS WILLIAM PYBUS**, Laurence Pountney-lane, City, and St. Thomas-road, South Hackney, Middlesex, timber merchant, June 15 at 11, and July 4 at 2, London: Off. Ass. Johnson; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. d. May 3.

**GEORGE PERKINS**, Ashford, Kent, earthenware dealer, June 14 at half-past 11, and July 12 at 12, London: Off. Ass. Cannon; Sol. Murton, 3, Verulam-buildings, Gray's-inn.—Pet. f. June 1.

**GEORGE SHOTTER**, Midhurst, Sussex, cattle dealer, June 19 and July 24 at half-past 1, London: Off. Ass. Graham; Sol. Brook, 1, New-inn, Strand, London.—Pet. f. May 31.

**RICHARD PEACOCK**, Southwark-bridge-road, Surrey, licensed victualler, June 19 at 2, and July 24 at half-past 12, London: Off. Ass. Stansfeld; Sol. Peverley, 19, Coleman-street, London.—Pet. f. May 17.

**THOMAS TUCKER** the younger, Strand, and Essex Works, Water-street, Strand, Middlesex, lamp manufacturer (trading under the style or firm of Tucker & Son, and now or lately carrying on the same trade at Oxford-street and King William-street), June 17 and July 22 at 11, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. June 1.

**JOSEPH CHURCHILL and JOHN MACMILLAN**, Cannon-street, City, timber brokers, June 17 at 2, and July 22 at 12, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. April 25.

**GEORGE HALL MANLEY**, Birmingham, grocer, June 14 and July 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. d. May 24.

**JAMES WOOD** the elder, Birmingham, builder, June 14 and July 11 at 11, Birmingham: Off. Ass. Kiuneary; Sols. Harrison & Wood, Birmingham.—Pet. d. May 28.

**JOSEPH HARRISON**, Birmingham, scaleboard manufacturer, June 14 and July 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. Collis & Ure, Birmingham.—Pet. d. June 3.

**GEORGE CHANT**, West End, Stoke-sub-Hambdon, Somersetshire, glove manufacturer, June 17 and July 17 at 12, Exeter: Off. Ass. Hirtzel; Sols. Richards, Martock, Somersetshire; Floud, Exeter.—Pet. f. June 3.

**THOMAS LAMBERT**, York, bookseller, June 17 and July 29 at 11, Leeds: Off. Ass. Hope; Sols. Mason, York; Carriss & Cudworth, Leeds.—Pet. d. May 27.

**JOHN OATES and BROOKE OATES**, Dewsbury, Yorkshire, woollen manufacturers, June 17 and July 29 at 11, Leeds: Off. Ass. Hope; Sols. Chadwick, Dewsbury; Bond & Barwick, Leeds.—Pet. d. June 3.

**JOSEPH HOLROYD**, Winterton, Lincolnshire, chemist, June 19 and July 24 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Nicholson & Co., Brigg.—Pet. d. June 1.

**JAMES DANIELS**, Manchester, iron merchant, June 14 and July 5 at 12, Manchester: Off. Ass. Hernaman; Sol. Blair, Manchester.—Pet. f. June 1.

**MEETINGS.**

*John Lockhart Morton*, Finch-lane, City, merchant, June 18 at half-past 12, London, pr. d.—*Bernard Acl*, Lambeth-street, Goodman's-fields, Whitechapel, tailor, June 14 at 12, London, ch. ass. and pr. d.—*Edward Hunt*, Three

Crown-square, Southwark, Surrey, hop merchant, June 19 at half-past 2, London, last ex.—*Robert George Dean*, Triglance, Upper Thames-street, City, lead merchant, June 18 at 12, London; and ac.—*Archibald Montgomery*, Great Winchester-street, City, and High-street, Clapham, Surrey, merchant, June 25 at 11, London, and ac. and div.—*Ernest Weil*, Bank-chambers, Lothbury, City, merchant, June 18 at 11, London, and ac.—*Joseph Jackson*, Brighton, Sussex, hatter, June 18 at 2, London, and ac.—*William Randle*, Cheltenham, Gloucestershire, miller, June 14 at 11, Bristol, and ac.—*John Hodgson*, Liverpool, scrivener, June 14 at 11, Liverpool, and ac.—*Edwin Latham and Wilfred Latham*, Liverpool, commission merchants, June 14 at 11, Liverpool, and ac.—*James Fell*, Liverpool, tea merchant, June 14 at 11, Liverpool, and ac.—*Griffith Evans*, Synrhoe, near the Valley, Anglesea, corn merchant, June 20 at 11, Liverpool, and ac.—*John Owen and John Matthew Gutch*, Worcester, bankers, June 27 at 11, Birmingham, and ac.; June 28 at 11, div.—*Robert Freeland*, Manchester, and *John Freeland*, Kirkintilloch, Dumbartonshire, Scotland, merchants, June 25 at 12, Manchester, and ac.; July 2 at 12, div.—*John Slater Marshall*, Billiter-street, City, shoe factor, June 26 at half-past 11, London, div.—*Edward Feats*, Cambridge, butcher, June 27 at 12, London, div.—*Philemon Rolfe*, Gravesend, Kent, chemist, June 26 at 1, London, div.—*William Hurst Rhodes*, Gravesend, Kent, licensed victualler, June 27 at half-past 11, London, div.—*R. Knight Boorman*, Marden, Kent, cattle dealer, June 28 at half-past 12, London, div.—*Samuel Webb*, Sudbury, Suffolk, builder, June 26 at 12, London, div.—*John Measor*, Brighton, Sussex, upholsterer, June 27 at 1, London, div.—*Peter Bates*, Croydon, Surrey, draper, June 26 at 11, London, div.—*David Hollin*, Leicester, shoe manufacturer, July 4 at 11, Nottingham, div.—*Ralph Clews and James Clews*, Burslem, Staffordshire, manufacturers of earthenware, June 27 at 11, Birmingham, div.—*Henry Seale*, Briton Ferry Ironworks, near Neath, Glamorganshire, iron manufacturer, June 21 at 11, Bristol, first and fin. div.—*Wm. Ward*, Boothby Pagnell, Lincolnshire, farmer, July 4 at 11, Nottingham, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

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## GAZETTES.—FRIDAY, June 7.

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**JACOB FRENCH**, late of King-street, Clerkenwell, but now of Arlington-street, New North-road, Middlesex, gold chain and bracelet manufacturer (known as, and trading under the name of, Henry French), June 17 and July 22 at 1, London: Off. Ass. Pennell; Sols. Bartholomew & Randall, Gray's-inn; Lawrance & Co., 14, Old Jewry-chambers, Old Jewry, London.—Pet. f. May 29.

**ISAAC ANTOINE CHOMEL**, St. James's-street, Westminster, Middlesex, jeweller, June 20 at 2, and July 19 at 1, London: Off. Ass. Whitmore; Sols. Lewis & Sons, 7, Wilming-ton-square.—Pet. f. June 4.

**EDWARD PRICE**, Warminster, Wiltshire, grocer, June 20 at 1, and July 19 at 11, London: Off. Ass. Cannan; Sols. Smith, Melkham, Wiltshire; J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. June 6.

**JOSEPH BARNETT BEHRENS**, Coventry-street, Hay-market, Middlesex, dealer in pictures, June 20 at 2, and July 19 at 12, London: Off. Ass. Cannan; Sol. Abrahams, 27, Bloomsbury-square.—Pet. f. May 27.

**WILLIAM DUGARD the younger**, Lapworth, Warwick-shire, coach and harness plater, June 20 and July 11 at 11, Birmingham: Off. Ass. Kinnear; Sols. East & Parry, Birmingham.—Pet. d. May 29.

**ANN SAYLE**, Liverpool, dealer in boots and shoes, June 20 and July 10 at 11, Liverpool: Off. Ass. Turner; Sol. Radcliffe, Liverpool.—Pet. f. June 6.

**FRANCIS ATKIN**, Manchester, yarn agent (carrying on business under the firm of F. Atkin & Co.), June 27 and July 17 at 12, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. June 1.

**JAMES BETHWELL**, Ramsbottom, Lancashire, manufacturer, June 25 and July 9 at 12, Manchester: Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. May 30.

**WILLIAM MELLON**, Alderley, Cheshire, butcher, June 19 and July 10 at 12, Manchester: Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. June 5.

**HENRY PARKIN**, Plymouth, Devonshire, tea dealer, June 24 and July 22 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. June 4.

## MEETINGS.

*Elizabeth Copeland*, widow, March, Cambridgeshire, grocer, June 19 at 1, London, last ex.—*Isaac Levitt* and *Morris T. Levitt*, Minories, Middlesex, watch manufacturers, June 25 at 12, London, aud. ac.—*Wm. Alfred Putnam*, New Oxford-street, Middlesex, china dealer, June 18 at 11, London, aud. ac.—*Robert Barrie*, York-street, Covent-garden, Middlesex, builder, June 20 at 2, London, aud. ac.—*John Cobb*, Great Yarmouth, Norfolk, currier, June 21 at 12, London, aud. ac.—*Nils Ithen* and *Frederick Engebretsen*, Great Tower-st., City, and Russell-street, Rotherhithe, Surrey, ship chandlers, June 21 at 1, London, aud. ac.—*Philip Arnold* and *John Arnold*, Luton, Bedfordshire, straw-plait merchants, June 20 at 11, London, aud. ac. sep. est. of *John Arnold*.—*Cleeve Woodward Hooper* and *Henry Parkinson*, Seething-lane, City, leather factors, June 20 at half-past 11, London, aud. ac.; June 28 at half-past 1, div.—*Henry Bateman*, Old Broad-street, City, timber merchant, June 20 at 12, London, aud. ac.—*James Vincent Howes*, Chiswell-st., Middlesex, leather seller, June 20 at half-past 11, London, aud. ac.—*Joseph Hooper*, New Weston-street, Bermondsey, Surrey, leather merchant, June 20 at half-past 11, London, aud. ac.—*Gustave Winter*, Milk-street, City, warehouseman, June 20 at 11, London, aud. ac.; June 28 at 1, div.—*Thomas Crickett Jennings*, Ipswich, Suffolk, tea dealer, June 20 at 11, London, aud. ac.—*Francis Folkard*, Bergholt, Suffolk, builder, June 17 at 2, London, aud. ac.—*W. Hurst Rhodes*, Milton-next-Gravesend, Kent, licensed victualler, June 19 at 11, London, aud. ac.—*Philemon Rolfe*, Gravesend, Kent, chemist, June 19 at 11, London, aud. ac.—*John Measor*, Brighton, Sussex, upholsterer, June 19 at 11, London, aud. ac.—*William Bowen*, Swansea, Glamorganshire, victualler, June 26 at 11, Bristol, aud. ac.—*John Williams*, Roath, Glamorganshire, builder, June 25 at 11, Bristol, aud. ac.—*Thomas Grimbly*, Stratford-upon-Avon, Warwickshire, com-

mercial clerk, July 19 at 12, Bristol, aud. ac.—*Wm. Balinger*, Swansea, Glamorganshire, maltster, July 12 at 11, Bristol, aud. ac. and div.—*Ralph Cless* and *James Cless*, Colridge, Burnlem, Staffordshire, manufacturers of earthenware, June 27 at 12, Birmingham, aud. ac.—*Robert Cockburn Steven*, West Hartlepool, Durham, grocer, June 18 at 12, Newcastle-upon-Tyne, aud. ac.—*John Fowler*, Whitehaven, Cumberland, stockbroker, June 19 at 1, Newcastle-upon-Tyne, aud. ac.—*Thos. Savage*, Macclesfield, Cheshire, smallware dealer, June 21 at 12, Manchester, aud. ac.; June 28 at 12, div.—*Epaphras Clayton*, Openshaw, near Manchester, grocer, June 26 at 12, Manchester, aud. ac.; July 3 at 12, div.—*George Ashworth*, Manchester, and Newchurch, Rossendale, Lancashire, cotton spinner, June 20 at 12, Manchester, aud. ac.; June 27 at 12, div.—*L. Beghin*, St. Mary-ab-Hill, City, merchant, July 1 at half-past 12, London, div.—*Charles Poncell*, Dartford, Kent, grocer, July 1 at 2, London, div.—*Edicard Griffin*, Basinghall-st., City, woollen warehouseman, July 1 at 1, London, div.—*W. Charles Foulkes*, Birmingham, draper, July 1 at 11, Birmingham, div.—*Daniel Wade Acraman*, *William Edward Acraman*, *Alfred John Acraman*, *Wm. Morgan*, *Thomas Holroyd*, and *James Norraway Franklyn*, Bristol, shipbuilders, July 4 at 11, Bristol, an. div.—*James M'Master* and *Samuel Haines*, Abergavenny, Monmouthshire, drapers, July 4 at 11, Bristol, div.—*James Saunders*, Cloughton, Birkenhead, Cheshire, general agent, June 28 at 11, Liverpool, div.—*Ambrose Sutton*, Cowley Vale, near St. Helens, Lancashire, corn miller, June 28 at 11, Liverpool, div.—*T. Jobson*, West Hartlepool, Durham, shipowner, July 2 at 12, Newcastle-upon-Tyne, div.—*William Palmer Road*, Portsmouth, Southampton, draper, June 20 at 11, London, aud. ac.—*Richard Field* the elder, Chastleton, Oxfordshire, and Moreton-in-the-Marsh, Gloucestershire, corn dealer, June 25 at 11, Bristol, aud. ac.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*David Henry Doust*, Pomeroy-place, Pomeroy-street, New-cross, Surrey, omnibus proprietor, June 28 at half-past 11, London.—*Wm. Watson*, Gravel-lane, Southwark, Surrey, licensed victualler, June 28 at half-past 12, London.—*John Neech*, Aylsham, Norfolk, miller, June 28 at 11, London.—*James Kelita Hardy*, Brewhouse-yard, St. John-street, Clerkenwell, Middlesex, general agent, June 28 at 1, London.—*Mark Hayes* the younger, Hounslow, Middlesex, tea dealer, June 28 at 12, London.—*Susan Catherine Harrison*, Ipswich, Suffolk, innkeeper, June 28 at half-past 11, London.—*E. T. N. Jenkins*, Victoria-park-square, Bethnal-green, Middlesex, cigar manufacturer, June 29 at half-past 11, London.—*S. Lyon*, Frederick's-place, Hampstead-road, Middlesex, cabinet maker, June 28 at half-past 1, London.—*Henry Martin*, Southampton, tailor, July 1 at half-past 11, London.—*Benjamin Jones*, Cardiff, Glamorganshire, painter, July 2 at 11, Bristol.—*James Rogerson*, East Hartlepool, Durham, linendraper, July 2 at half-past 11, Newcastle-upon-Tyne.—*Thomas Digby*, Ottery St. Mary, Devonshire, tailor, July 3 at 12, Exeter.—*Wm. Wolstenholme*, Manchester, ironmonger, July 3 at 12, Manchester.—*Thomas Theophilus Tysack*, Liverpool, flour dealer, June 28 at 1, Liverpool.—*Abraham Moore*, Wednesbury, Staffordshire, chemist, July 1 at 11, Birmingham.—*M. G. Phillips*, Newcastle-under-Lyme, Staffordshire, mercer, July 1 at 11, Birmingham.—*Wm. Stroud Partridge*, Birmingham, surgeon, July 1 at 11, Birmingham.—*Wm. F. Lawrence*, West Bromwich, Staffordshire, draper, June 28 at 11, Birmingham.—*Charles Marshall*, Sheffield, Yorkshire, saw manufacturer, June 29 at 10, Sheffield.—*Charles Kedman Jarvis*, Sheffield, Yorkshire, bookseller, June 29 at 10, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*Charles Thomas Board*, Devonshire-square, City, wholesale bedding manufacturer.—*Henry Clemch*, High-street, Newington Butts, Surrey, milliner.—*Wm. T. Beltingham*, Gresham-street, City, auctioneer.—*William M'Haffie* the younger, Austin-frirs, City, merchant.—*George Stevens*, Great St. Helens, City, merchant.—*George Edward Parker*, Moorgate-street, City, and Buckingham-street, Strand, Middlesex, dealer in foreign goods.—*William P. Davis*, Cardiff,

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THE JURIST.

LONDON, JUNE 15, 1861.

ALTHOUGH a tenant for life without impeachment of waste has full power to fell timber (except such as may have been planted for ornament), if the estate be sold under the usual power of sale contained in the instrument by which he takes, he cannot lay claim to the money for which the timber on the estate may sell. This point was decided by Lord Thurlow in the year 1792, in the case of *Doran v. Wiltshire* (3 Swanst. 699). There lands were settled on the plaintiff Doran for life without impeachment of waste; then on the other plaintiff, his wife, for her jointure; with remainder to their issue; and there was power for the plaintiffs to sell the premises with the consent and approbation of the trustees, the trustees to receive the purchase money, and lay it out again in lands to the same uses. In the bill filed by the plaintiffs against the defendant for a specific performance of an agreement for the sale of the premises (which included the timber on the estate), the plaintiff Doran claimed to appropriate to his own use the produce of the timber. Lord Thurlow, however, said he thought, as to the produce of the timber trees, the plaintiff Doran could not be entitled to it; and added—"There is a great difference between a tenant for life cutting down timber for which he is not impeachable while he actually occupies the land, and in executing a power to sell. In the latter case he is not to have the value for himself." The same point was also determined in *Wolf v. Hill* (2 Swanst. 149, note).

The question next arose, when estates were sold under an ordinary power of sale, apart from the standing timber (there being a tenant for life unimpeachable for waste, who received the price of the timber), whether the power was well executed; and if it was not, whether the defect could be remedied in equity. Both these points were determined in the negative in an important and much-litigated case, *Cholmeley v. Paxton* (3 Bing. 207; 5 Bing. 48; S. C., nom. *Cockerell v. Cholmeley*, 10 B. & Cr. 564; S. C., in equity, 1 Russ. & M. 423; 3 Russ. 565; 6 Bligh, N. S., 120; 1 Cl. & Fin. 60), where it was decided at law, both in the Common Pleas and the King's Bench, that although a tenant for life be *dispunishable for waste*, and may cut down and sell the timber for his own benefit, yet, under a common power of sale and exchange in the instrument under which he was entitled, a sale by the trustees, under the power, of the estate *without the timber*, and a sale by himself of the standing timber, was invalid as an execution of the power, and that a subsequent investment, by the tenant for life, of the timber money, in the name of the trustee of the settlement, did not cure the invalidity. And, moreover, it was held in equity (1 Russ. & M. 418), that the defect in the execution of the power was of such a nature that it could not be cured in equity, inasmuch as there was no mistake, the conveyance having effectuated the real intention of the parties; and this decision was affirmed by the House of Lords. (6 Bligh, N. S., 120; 1 Cl. & Fin. 60).

This case has been recently held to be applicable to the reservation of minerals, on a sale of lands by trustees under a general power of sale. The case alluded to is



that of *Buckley v. Howell* (7 Jur., N. S., part 1, p. 536). There the testator devised land unto and to the use of trustees for 500 years, and, subject thereto, to his eldest son for life in possession, and his assigns for life, *without impeachment of waste*, with divers remainders over in strict settlement. The will contained a power for tenants for life to lease the lands, and all or any of the mines and quarries then opened, or thereafter to be opened, for any term of years, not exceeding, as to the said mines and quarries, the term of forty years, and as to the lands, the term of twenty-one years. And there was a power of sale given to the trustees, at the request, in writing, of the tenant for life, absolutely to make sale of *all or any part* of the lands and hereditaments thereby devised, and the inheritance thereof, subject to *such special or other conditions, as to title or otherwise*, as to the said trustees should seem reasonable. And there was a provision that the monies to arise from such sale should, after the payment of certain incumbrances, be invested in the purchase of hereditaments, to be settled upon the same uses and trusts as those devised by the testator. The trustees put up for sale certain parts of the devised estate, and, by one of the conditions, reserved the minerals. The purchaser at the sale refusing to complete, Sir J. Romilly, M. R., upon the authority of *Cholmeley v. Paxton*, held that the vendor could not sell the surface of the land apart from the minerals. His Honor thought that the principle applicable to cases of this kind was this—that the power, when exercised, must be so exercised as not to give to the tenant for life, out of the property subject to the power, more than he would have had if it had not been exercised; that the mines were a part of the corpus which the tenant for life (being, as in the case under consideration, unimpeachable for waste) was entitled to win and sell, and of which he might obtain the profits; but the surface being sold, the purchase money was to be re-invested in land; and if an estate, with valuable minerals under it, should be presented to the trustees for purchase by them, as the most eligible mode of investment, the tenant for life would be getting minerals from under the two estates. It was obvious that could not be prevented, because the Court could not refuse to allow the purchase money to be invested in the purchase of an estate with minerals under it, if such a purchase were a beneficial one for the persons entitled; and it could neither restrict the purchase to the acquisition of land in which the value was merely agricultural, nor prevent the present tenants for life from obtaining such an estate. It was obvious also that the Court could not exact from the tenant for life a promise not to purchase any land of that description, or, if exacted, the Court could not enforce it; that it was exactly the same in this case as in that of timber—no promise or undertaking as to re-investment would be of any avail, nor could it be enforced by the Court.

The decision of the Master of the Rolls appears to us to fall completely within the principle of the decisions with reference to timber. Indeed, the reasons for holding a sale of a settled estate under a power, with a reservation of minerals, bad, appears to be much stronger than those which exist with reference to timber.

With regard to mines, although a tenant for life without impeachment of waste might open them on the settled estate immediately before a sale, in no conceivable case scarcely could he exhaust them during the time which would be taken up in felling all the timber on the estate, which, according to the decisions, he might do, and might appropriate the proceeds to his own uses, and might afterwards in like manner fell the timber on any estate purchased with the proceeds arising from the sale of the estate sold under the power.

The decision of the Master of the Rolls is of much importance to conveyancers, as it may suggest in some cases, and under certain circumstances, an alteration in the frame of wills and settlements, and of the usual powers of sale and exchange. And in the investigation of titles, where estates have been sold under powers, it will suggest great caution in ascertaining in all cases that there has been no reservation of the minerals by the vendors; which, after the able exposition of the law and clear reasoning of the Master of the Rolls, no one can for a moment doubt would utterly invalidate the sale.

## THE CRIMINAL LAW CONSOLIDATION BILLS.

If we saw a man arranging an inventory of the furniture in his house according to the nature of the different items, and not according to their relation to the rooms in which they were placed for use—objectively, and not subjectively—we might possibly presume, in favour of his sanity, that he must have some rational, though unusual, aim in so doing; but if we found him afterwards actually placing the articles themselves together for use according to the same classification, collecting all the chairs into one room, all the tables into another, all the carpets into a third, and so forth, we should assuredly recommend his friends to obtain, as soon as possible, a certificate of his fitness for confinement as a *tazimanian*, or by whatever other name his half-brothers in misfortune might think fit to ticket him.

It is disheartening and humiliating to think that a proceeding no less insane than that which we have imagined is now proposed to the country as the fruit of all the time, money, and professional skill that have been spent upon the project of a consolidation of the criminal law. To show that this is so, we gladly avail ourselves of Mr. Coode's terse and forcible observations, in the following extracts from his well-timed Letter to Lord Palmerston on these bills:—

"What is desired and expected under the name of consolidation of the statute law is assuredly this—that so much of the statute law as is now found dispersed through the Statute Book should be collected together and arranged in such a way that the parts that have most connexion in meaning and effect should be most closely brought together, so that they shall throw mutual light the one on the other; that every subject, so far as the statute law affects it, should be seen in its entirety in one act, and not as now, disjointed and dispersed in many acts.

"Thus every right—say, for instance, the right to the use of a man's body—is most clearly connected with the obligations imposed on other men to respect his liberty, and alone explains and justifies these obligations; and the clear understanding of both these, again, is indispensable for the understanding of any declaration or definition of acts diminishing the use of the body, which are wrongs, offences, or crimes only inasmuch as they contravene these rights and obligations, and are not possibly to be conceived as wrongs, offences, or crimes in any other way; and again, the precedent understanding of these rights, these obligations, these wrongs, is equally and absolutely indispensable for the understanding and appreciation of any appliances of the law for the protection of the right and enforcement of the obligation, whether ministerial, or preventive, or compulsive, or restitutive, or remedial, or compensatory, or penal, and of any choice of ministers or tribunals, and of any course

\* "A Letter to the Right Hon. the Viscount Palmerston, on his Bills for the Disintegration of the Statute Law. By George Coode." Ridgway, and Sweet.



of procedure provided for protecting that same right or enforcing the corresponding obligations. This connexion is not merely verbal or logical—is not merely an association by resemblance; it is an actual, essential, intimate, and indissoluble connexion, in which each part is necessary to the creation, co-existence, and intelligibility of the other. The collection from out of the chaos of the Statute Book of all the provisions that affected such a right, in the order of the appropriate and subservient obligations, the prohibited wrongs, the legal protections, ministerial, civil, equitable, or penal, would be, as to that particular right, a perfect, self-consistent, and self-explaining consolidation of the statute law—intelligible, so far as the nature of the subject admitted of it, to every man, and affording an infallible clue to every man by which to find the statutory matter he might be in search of. The certain light, the sure test of the policy, the ready means of appreciating the policy, of all parts of the law, which this method would afford, is what all men instinctively desire and expect who hear of a ‘consolidation’ of the law; and this is what every good treatise on the law performs. Done by the Legislature for the statute law, this work would be, so far as it went, a true consolidation—a placing together of all those parts of any subject which make up the whole of that particular subject.

“But no consolidation, in any sense of the term, is possible on the plan of these bills, which is that of *picking out the similar or identical parts from all subjects, and stringing all those similar parts together in one bill*. Two penalties may be enacted in absolutely identical terms, but they have no connexion of any kind with each other, either legal, moral, or logical, unless they protect the same right.” (p. 3).

“The collection of identical parts must always necessarily be the destruction of the whole from which they are taken. For instance, taken and viewed apart, the spring, the balance, the dial, the hands of a watch, would be things of little significance; but seen in their mutual connexion they are admirable and intelligible. A child could take off the hands of hundreds of watches, and could collect them into a box, but he would not by this act pretend to give these hands any connexion or relationship to each other; he would not pretend to construct watches; he would be a collector of similar parts, but a destroyer of the wholes of the watches.” (p. 5).

“A butcher severs shoulders of mutton as like each other as possible, and hangs them together on one line, but he does not call his arrangement a consolidation; he admits that he has permanently destroyed the connexion which nature had made between those parts and the organic wholes from which he separated them. But this is the strange pretence of these bills, that the like dilaniation of whole organic subjects in law, by cutting out their penal portions and stringing them together in the form of bills, is something logical, or systematic, or constructive—an improvement in form or order—and is to be accepted as ‘consolidation.’

“A few moments’ consideration will assuredly beget the conviction that *there is no consolidation possible by the aggregation of similar parts*, but that the collection of similar parts is necessarily destruction and disintegration of the subjects from which those parts are taken. If so, no consolidation is possible of the so-called penal law or criminal law. Twenty-eight years of effort of commissions, of committees, of both Houses of Parliament, and 60,000*l.* of public money expended, have been made fruitless through the folly of attempting a consolidation which must be necessarily a dissolidation. It is to be hoped that the evil will end here, in a mere loss of time and money, and a mere disappointment of hopes absurdly entertained, and that what is thus far no more than an idle folly will not be con-

verted into a permanent active mischief by carrying these bills into law.” (p. 6).

For example—“The 16 & 17 Vict. c. 23, contains forty-two perfectly well-connected sections for redeeming and commuting South Sea and other Annuities, for creating new Annuities, and issuing Exchequer Bonds, with all necessary incidental provisions for giving course, value, and trustworthiness to these instruments—amongst others, one penal clause, the 41st, making the forgery of them a felony, quite in its proper place and connexion, where its use and effect can be most easily seen and judged of. But these bills take out this 41st section, placing it in a bill with all other heterogeneous forgeries, and leaving the original act a fragment of forty-one clauses.” (p. 9).

Mr. Coode then gives a list of similar maimings and disintegrations of well-connected English acts of Parliament, so far as they are affected by these bills, shewing about 50 sections taken out from their proper connexions with 632 others, leaving in a dismembered and fragmentary state 580 others.

“Such is the havoc made in acts already passed, which treat connectedly of the whole of any subject-matter, by the excision of their penal portions. The like effect is produced by anticipation upon all whole subjects which may be taken up for future consolidation; and these are all forejudged of their penal elements—foredoomed to imperfection, to ante-natal dismemberment, to a divided existence—one member of their organic whole dis severed from the rest, and relegated to this chaos of penal clauses. These bills are, then, not less a destruction of the connexion of our existing legislation than an absolute obstruction to all future consolidation.” (p. 9).

### Correspondence.

TO THE EDITOR OF “THE JURIST.”

SIR,—In your last number (June 8) you consider briefly the question whether a British subject serving in a privateer, bearing letters of marque from the Confederate States of America, and taken prisoner by the forces of the Northern States, could properly claim the interference of this country to protect him from the punishment of death threatened to the crews of such vessels by the United States Government. You intimate an opinion that the British Government ought not to interfere in such a case.

If you are willing to open your columns to a discussion on the subject, will you allow me to suggest a view of the question that would seem to point to another conclusion?

There can be little doubt that the proclamation of the 13th May (of which the material parts were given ante, p. 201) would preclude any British subject so serving, and so taken, from effectually claiming the protection of his country against any punishment rightfully inflicted according to the law of nations as commonly received. But is the infliction of the punishment of death on the privateersmen of the Confederate States authorised by any possible interpretation of international law?

As far as Great Britain is concerned, the Confederate States, so soon as they shall have public ships of war or privateers afloat, and be actually engaged in a maritime warfare with the Northern States, will be de facto belligerents, entitled to belligerent rights, even if we have not already recognised them as such. As far as the Government of Washington is concerned, it was doubtless competent to them to say to the seceding States, “We shall not acknowledge you as belligerents—we shall treat you as rebels; and we claim the right to hang every man bearing Mr. Jef-

fergson Davis's commission." But the Northern States have not chosen to say so. So far as I am aware, much as they have threatened, they have made no threat of considering the crews of the public ships of war of the Southern States, or their soldiers serving on land (other than those who may have deserted from the United States army), as *hors de la loi*. The threat of death is only to those who may be taken in privateers, and must, therefore, be founded upon the character of the service in which they are engaged.

Here, then, we have the Northern States, by this silence at least, acknowledging the seceders as a belligerent power, respecting their commissions on land—admitting any regular navy they may have to the benefit of the usages of war, but choosing to declare that they will consider privateering as piracy. This declaration, I submit, cannot be justified by any rule of international law. No nation, not even any one of those who were parties to the Declaration of the Congress of Paris of 1856, has a right to treat privateering as piracy by the general law of nations, any more than States who may have entered into a contract inter se to put an end to the slave trade have a right to say that carrying slaves generally is an offence *jure gentium*. So that, not even if we allowed the preposterous claim said to be made by Mr. Seward, that the United States may be *now*, in the face of present events, admitted as a party to the Declaration of that Congress, could they found upon such admission any right to treat privateering under the letters of marque of a belligerent, who has never acceded to that Declaration, as piracy.

But least of all nations can the United States claim to look upon privateering as an offence. While their only prospect of war was with powers possessing navies numerically stronger than their own, they have consistently refused to abolish that cheap defence of nations, the right of issuing letters of marque, unless private property should be exempted from capture by sea as well as by land. This was the ground on which they expressly refused to accede to that very Declaration of Paris of which they now desire to adopt the benefit. They have no more right to turn suddenly round now, and say they will hang privateersmen, than Great Britain would have had a right to turn round before the late Russian war, and say she would hang the crew of every ship that made prize of enemies' goods in a neutral bottom.

May not, then, the British subject, taken serving in a Southern privateer, justly invoke the assistance of his Government if he is treated with a different measure from the British subject taken serving in a regular man-of-war sailing under the same flag? He has committed no greater offence than the other against the law of his own country, or the general law of nations. Or will it be said, "You were warned you would have no protection against 'any liabilities or penal consequences,' and you must be left to your fate, however unjust or barbarous that fate may be? Whatever punishment the Northern States may choose to declare they will inflict, whether they kill you, torture you, or sell you to slavery"—for the argument must go this length—"you will have no help from home."

I am, Sir, your obedient servant,

Lincoln's Inn, June 10.

C. A. L.

[We have much pleasure in inserting this letter, and shall take an early opportunity of reverting to the important question to which it relates. We cannot, however, go along with our correspondent in assuming that the Federal Government of the United States intend to treat as "belligerents" the land and sea forces of the Confederate States; on the contrary, they always speak of them as "rebels," "traitors," "insurgents," &c.—Ed.]

## CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—Gerald Fitz-Gibbon, Esq., B.A.; George Holford, Esq., M.A.; Daniel Jones, Esq., M.A.; Thomas Watson, Esq., B.A.; Charles Nicholas Warton, Esq.; Robert Dalby Dalby, Esq., B.A.; Charles Henry Blake, Esq., B.A.; George Hanbury Field, Esq., M.A.; Augusten William Langdon, Esq., B.A.; John Lindsay Johnston, Esq., M.A.; William Henry Burch Roisher, Esq.; Thomas Daniel Tremlett, Esq., M.A.; Anthony Wood Freeland, Esq., B.A.; Richard Welford, Esq.; John Irving Courtenay, Esq., M.A.; Christopher John Cottingham, Esq.; John Bamfield Street, Esq., B.A.; and Reginald Parker, Esq., B.A.

INNER TEMPLE.—William Willis, Esq., B.A., (holder of the studentship awarded in Michaelmas Term, 1860); Joseph Green, Esq., B.A., (certificate of honour); Emanuel Maguire Underdown, Esq., (certificate of honour); Montagu Woodmas, Esq., B.A.; St. Aubyn Barrett Lennard, Esq., M.A.; Reginald Carew Glanville, Esq., B.A.; Andrew Thompson, Esq., B.A., LL.B.; John Simson, Esq.; Thomas Child Hayllar, Esq., S.C.L.; Markham John Law, Esq., B.A.; Daniel Birt, Esq.; Thomas Edwards, Esq., B.A.; Arthur Yardley, Esq.; and Stuart Rendel, Esq., M.A.

MIDDLE TEMPLE.—John Houston, Esq., (holder of the certificate of honour, first class, for the Council of Legal Education); James Johnson, Esq.; Anthony Blake Bathborne, Esq.; Robert Armstrong, Esq.; Henry Finch, Esq.; George Rattray Fenton, Esq.; and William Draper Bolton, Esq.

GRAY'S INN.—Lawrence Counsel, Esq., of University Coll., London; George Henry Palmer, Esq., M.A., of the University of Glasgow; Samuel Kydd, Esq.; William Brook Bridges Stevens, Esq.; and William Henry Clarke, Esq., LL.B.

## PROCEEDINGS IN PARLIAMENT.

### HOUSE OF LORDS.

IN the committee on the Bankruptcy Bill of the Government, Lord Chelmsford moved to insert a clause to take away the retrospective operation of the bill in the case of non-traders. This was opposed by the Lord Chancellor, and gave rise to a debate, but was carried by a majority of 37; the numbers being 98 to 61.

### HOUSE OF COMMONS.

Mr. Denman moved for a committee to inquire into the well-known case of the Baron de Bode. This was opposed by the Government, but carried by a large majority.

In a former number (*ante*, p. 159) we noticed a bill introduced by Mr. Locke, having for its object to extend to *criminal* cases the provisions of the Common-law Procedure Act, 1854, for the relief in *civil* cases of persons entertaining conscientious objections to taking oaths. After that bill had passed a second reading, the honourable and learned gentleman withdrew it, and substituted another to the same effect. The second reading of this latter was opposed, but carried by a majority of 34; the numbers being 65 to 31.

The bill introduced into the House of Commons by Sir John Trelawny, to allow affirmations or declarations to be made instead of oaths in certain cases, to which we adverted in two former numbers (*see ante*, pp. 95, 159), has been rejected by a large majority, on the motion for a second reading.

At a morning sitting on Tuesday, the 11th June, the seven bills introduced by the Solicitor-General for the consolidation and amendment of some of the most

important parts of the criminal law (see ante, p. 219) passed through committee, after very slight discussion, it being understood that amendments to them might be moved on bringing up the reports.

Glamorganshire, slate merchant.—*Charles Cairns*, Newport, Monmouthshire, bonded store merchant.—*David Phillips*, Neath, Glamorganshire, grocer.—*William John*, Pontypridd, Glamorganshire, grocer.—*Wm. Buxton*, Liverpool, butcher.—*Thomas Bell*, Bolton, Lancashire, machine maker.—*M. Roby*, Leamington, Warwickshire, sauce manufacturer.—*Catherine Dawes* and *Charles Fiddian the younger*, Birmingham, coffin furniture manufacturers.—*George Thomas Rollason*, Birmingham, china dealer.—*E. Blood*, Leicester, innkeeper.—*Thomas G. Johnson the younger*, Coventry, Warwickshire, wine merchant.—*William Griffin*, Cradley-heath, Rowley Regis, Staffordshire, anchor maker.—*John E. Neale*, Leicester, glove manufacturer.—*Wm. Ward*, Boothley Pagnell, Lincolnshire, farmer.—*Geo. Clark*, Holbeach, Lincolnshire, builder.—*Chas. F. Young*, Nottingham, chemist.

**PETITIONS ANNULLED.**

*Chas. W. Jenner*, Hunmanby, Yorkshire, surgeon.—*John Palmer*, Mutley, near Plymouth, Devonshire, picture dealer.

**SCOTCH SEQUESTRATIONS.**

*Edwin T. Robins*, Borrowstounness, commission agent.—*John Wilson*, Parkhouse, Renfrewshire, chemical manufacturer.—*Vander Vyver & Co.*, Fish-street-hill, London, merchants.—*William Bowie*, Falkirk, grocer.

**TUESDAY, June 11.**

**BANKRUPTS.**

**PETER POWELL**, Tunbridge, Kent, gun manufacturer, June 20 at 11, and July 18 at 1, London: Off. Ass. Johnson; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. June 10.

**JOSEPH PLATNANER**, Carpenter's-buildings, London-wall, City, dealer in prints, June 26 at 3, and July 24 at half-past 1, London: Off. Ass. Graham; Sol. Smith, Circus-place, Finsbury.—Pet. f. June 10.

**WILLIAM JAMES HEARN**, Dover, Kent, draper, June 21 at 11, and July 22 at half-past 11, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. June 4.

**MARTIN ST. LEGER**, Bagnigge-wells-road, St. Pancras, Middlesex, victualler, June 21 at 12, and July 22 at half-past 1, London: Off. Ass. Pennell; Sols. Boulton & Sons, 21A, Northampton-square, London.—Pet. f. May 9.

**JAMES WOOD** the elder, Birmingham, builder, June 14 and July 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. Harrison & Wood, Birmingham.—Pet. d. May 28.

**CHARLES COLLIER**, Swindon, Wiltshire, cabinet maker, June 25 and July 23 at 11, Bristol: Off. Ass. Acraman; Sols. Kinnaird, Swindon; Prideaux, Bristol.—Pet. f. June 7.

**EDWIN CROFT**, Exeter, licensed victualler, June 21 and July 17 at 12, Exeter: Off. Ass. Hirtzel; Sols. Turner & Hirtzel, Exeter.—Pet. f. June 6.

**JOHN JONES**, Wrexham, Denbighshire, draper, June 24 and July 10 at 11, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. June 1.

**JOSEPH GOMERSALL** and **JOSEPH BERRY**, Heckmond-wika, Yorkshire, carpet manufacturers, July 1 and 29 at 11, Leeds: Off. Ass. Hope; Sols. Dean, Batley; Bond & Barwick, Leeds.—Pet. d. June 5.

**ALLEN WOOD**, Lindley, Huddersfield, Yorkshire, woollen-cloth manufacturer, June 27 and July 26 at 11, Leeds: Off. Ass. Young; Sols. Clough, Huddersfield; Simpson, Leeds.—Pet. d. and f. May 31.

**GEORGE HEATH**, Chesterfield, Derbyshire, builder, June 22 and Aug. 3 at 10, Sheffield: Off. Ass. Brewin; Sols. Gratton, Chesterfield; Unwin, Sheffield.—Pet. d. and f. June 5.

**MEETINGS.**

*William Gunnell* and *John Browne*, Landport, Hampshire, biscuit manufacturers, June 24 at 11, London, and. ac.—*Edward Griffin*, Bevinghall-street, City, woollen warehouseman, June 24 at 11, London, and. ac.—*George Frederick Barratt*, Baker's-row, and Guildford-place, Bagnigge-wells-road, Clerkenwell, Middlesex, ironfounder, June 24 at 11, London, and. ac.—*Louis Beghim*, St. Mary-at-Hill, City, merchant, June 24 at 11, London, and. ac.—*Demetrius Stephen Pezzali* and *George Stephen Pezzali*, Great Tower-st.,

City, merchants, June 24 at 11, London, and. ac.—*George Thomas Chambers*, Finsbury-pavement, and Green-street, Spitalfields, Middlesex, umbrella manufacturer, June 21 at 11, London, and. ac.—*Benjamin Wilmott Gabriel*, Stockport, Cheshire, cotton spinner, July 5 at 12, Manchester, and. ac.; July 10 at 12, div.—*James M'Clure*, Sale, Cheshire, general merchant, June 26 at 12, Manchester, and. ac.; July 3 at 12, div.—*Maria Conard*, Church Coniston, Lancashire, grocer, June 27 at 12, Manchester, and. ac.; July 4 at 12, div.—*Thos. Lewis Ingram*, Moreton-place, Pimlico, Middlesex, merchant, June 28 at 12, London, div.—*W. L. Oliver*, Austin-friars, City, stockbroker, July 3 at half-past 11, London, div.—*Charles Nicholson*, *Edward Pascall*, and *William Stone*, Cannon-street West, City, warehousemen, July 3 at 11, London, div. joint est., and div. sep. ests. of *Charles Nicholson* and *Wm. Stone*.—*Thomas Mould*, Sudbury, Derbyshire, farmer, July 4 at 11, Nottingham, and. ac. and div.—*James Bolton Robertson*, South Shields, Durham, draper, July 4 at half-past 12, Newcastle-upon-Tyne, div.—*Daniel William Butthart*, Wardour-street, Soho, Middlesex, leather seller, June 28 at 11, London, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Francis De Yrigoyti*, Muscovy-court, Tower-hill, City, wine merchant, July 4 at half-past 1, London.—*Henry Mann*, Chesterton, Cambridgeshire, miller, July 3 at 1, London.—*Henry Norris* and *William Norris* the younger, Mare-street, Hackney, Middlesex, builders, July 3 at half-past 1, London.—*James Goddard*, Earl Soham, near Framlingham, Suffolk, draper, July 3 at 2, London.—*James King*, Shawforth, near Rochdale, Lancashire, cotton manufacturer, July 9 at 12, Manchester.—*Benjamin Willmott Gabriel*, Portwood and Hempshaw-lane, Stockport, Cheshire, cotton spinner, July 5 at 12, Manchester.—*Alexander Bryce* and *James Shuttlewood Osoin*, Manchester, merchants, July 5 at 12, Manchester.—*Christopher Walker*, Manchester, smallware manufacturer, July 4 at 12, Manchester.—*Enoch Fairhurst*, Ormskirk, Lancashire, grocer, July 4 at 12, Liverpool.—*Edward Breeze*, Brierley-hill, Kingwinford, Staffordshire, grocer, July 5 at 11, Birmingham.—*William Smith*, Hanley, Stoke-upon-Trent, Staffordshire, mercer, July 5 at 11, Birmingham.—*James Copton*, Birmingham, fruiterer, July 5 at 11, Birmingham.—*Wm. Asbury*, Birmingham, engineer, July 5 at 11, Birmingham.—*George Moore*, Perry Barr, Staffordshire, market gardener, July 5 at 11, Birmingham.—*Thomas Mould*, Sudbury, Derbyshire, farmer, July 2 at 11, Nottingham.—*Samuel Cooke*, Nottingham, carpenter, July 2 at 11, Nottingham.—*Samuel Gooseman*, Great Grimsby, Lincolnshire, innkeeper, July 3 at 12, Kingston-upon-Hull.

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*Philemon Rolfe*, High-street, Gravesend, Kent, chemist.—*William Closs Currie*, Broad-street-buildings, City, commission agent.—*James Carey*, Tunbridge Wells, Kent, shoemaker.—*Edward Rowland*, Coleman-street, New North-road, Middlesex, builder.—*William Hurst Rhodes*, Milton-next-Gravesend, Kent, licensed victualler.—*Henry Joseph Smith*, Newbury, Berkshire, corn dealer.—*Ambrose Skinner*, Camberwell-green, Lambeth, and Denmark-hill, and Dulwich, Surrey, coach builder.—*Walter Allanson*, Castle-street, Holborn, London, Australian merchant.—*Geo. Roper*, Bincombe, Dorsetshire, builder.—*John Ranken Davidson*, late of Eden-cottage, near Carlisle, Cumberland, and *William Oughterson*, late of Bush-on-Lyne, near Longtown, railway contractors.—*Thomas Darlington*, Grimshill, near Shrewsbury, Shropshire, innkeeper.—*Wm. Probert*, Worcester, hop dealer.—*Joseph Wm. Adlington*, Oldbury, Worcestershire, ironmaster.—*Joseph Randle*, Coventry, builder.

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JOHN HARKNESS BROWN, Liverpool, draper, June 26 and July 24 at 11, Liverpool: Off. Ass. Bird; Sol. Husband, Liverpool.—Pet. f. June 11.

THOMAS GEDDES, Liverpool, draper, June 26 and July 24 at 11, Liverpool: Off. Ass. Turner; Sol. Husband, Liverpool.—Pet. f. June 11.

HENRY WADESON LUPTON, Liverpool, licensed victualler, June 24 and July 15 at 12, Liverpool: Off. Ass. Turner; Sol. Dodd, Liverpool.—Pet. f. June 10.

WILLIAM MELLOR (and not MELLON, as before advertised), Alderley, Cheshire, butcher, June 19 and July 10 at 12, Manchester: Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. June 5.

JOHN CUSKER, Manchester, cotton-waste dealer, June 27 and July 25 at 12, Manchester: Off. Ass. Pott; Sols. Slater & Myers, Manchester.—Pet. f. June 11.

THOMAS TAYLOR and RICHARD BANKS, Salford, Lancashire, cotton manufacturers (trading under the style or firm of Richard Jackson & Co.), June 26 and July 17 at 12, Manchester: Off. Ass. Fraser; Sol. Storer, Manchester.—Pet. f. June 12.

## MEETINGS.

Joseph North, Brighton, Sussex, carrier, June 27 at 1, London, pr. d.—James Westbury, Gloucester, innkeeper, July 4 at 11, Bristol, pr. d.—Robert Pratt, Great Yarmouth, Norfolk, bricklayer, June 26 at 3, London, last ex.—James Nickoll and Robert Frazer North, Bishopsgate-street Within, City, tallow brokers, June 26 at 1, London, last ex.—Thomas Edge, Great Peter-street, Vincent-square, Westminster, Middlesex, gas-meter manufacturer, June 26 at 12, London, last ex.—George Trickett, Great Winchester-street, City, metal merchant, June 25 at half-past 11, London, and ac.—John Tallis, Strand, and Water-street, Strand, Middlesex, printer, July 4 at 11, London, and ac.—Frederick William Adams, King-street, Covent-garden, Middlesex, carver, June 25 at half-past 1, London, and ac.—John Neech, Aylsham, Norfolk, miller, June 28 at 11, London, and ac.—David Henry Dount, Pomeroy-place, Pomeroy-street, New-cross, omnibus proprietor, June 28 at half-past 11, London, and ac.—Elizabeth Copeland, widow, March, Cambridgeshire, grocer, June 27 at half-past 11, London, and ac.—John Piper, Clarendon-street, Pimlico, Middlesex, wine merchant, June 25 at half-past 2, London, and ac.—William Holmes, Wootton-under-Edge, Gloucestershire, licensed victualler, June 25 at 11, Bristol, and ac.—George Harris, Charlhill, Westbury-upon-Severn, Gloucestershire, carpenter, June 25 at 11, Bristol, and ac.—John Hullah, St. Martin's Hall, Long-acre, and Langham-street, Portland-place, Middlesex, bookseller, July 8 at 11, London, div.—William James Webb, King Henry's-walk, Ball's-pond-road, Middlesex, rug manufacturer, July 11 at half-past 12, London, div.—Thomas Machin, Peterborough, contractor, July 5 at 11, London, div.—Edward Thomas Nash Jenkins, Victoria-park-square, Bethnal-green, Middlesex, cigar manufacturer, July 5 at half-past 11, London, div.—George Harjette, Weaver-street, Bethnal-green, Middlesex, skein-silk dyer, July 9 at half-past 1, London, div.—George West, Wapping, Middlesex, nut maker, July 9 at 11, London, div.—Edmund John Niccans, Newman-street, Oxford-street, Middlesex, picture dealer, July 9 at 11, London, div.—David Williams Bishop and John Fox Farbridge, Cornhill, City, East India merchants, July 9 at 1, London, div. sep. est. of J. F. Farbridge.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

Henry James Nasfor, Great Yarmouth, Norfolk, builder, July 5 at half-past 11, London.—Chas. Underwood, James-street, Covent-garden; and Long-acre, Middlesex, grocer, July 12 at 12, London.—Wm. Jas. Webb, King Henry's-walk, Ball's-pond-road, Middlesex, rug manufacturer, July 11 at half-past 12, London.—Wm. Tunbridge, Ware, Hertfordshire, draper, July 12 at half-past 11, London.—Henry Austin, Bermondsey-street, Bermondsey, Surrey, manufacturing chemist, July 11 at 11, London.—Walter Baynham, Hounslow, Middlesex, grocer, July 11 at half-past 11, London.—Jacob Isenberg and Daniel Myers, Skinner-street, Snow-hill, City, shoe warehousemen, July 8 at half-past 11, London.—Richard Castle, Wantage, Berkshire, cattle dealer, July 8 at half-past 12, London.—J. Augustus Gustavus Smith, Basinghall-street, City, auctioneer, July 9 at half-past 1, London.—Wm. Kilby, Church-end, Willesden, Middlesex, contractor, July 9 at half-past 12, London.—Jas. Perrott, Cheddar, Somersetshire, draper, July 16 at 11, Bristol.—Joseph Buxton, Manchester, drysalter, July 10 at 12, Manchester.—Joseph Allen, Radcliffe-bridge, Lancashire, smallware manufacturer, July 10 at 12, Manchester.—Geo. Jackson, Birmingham, tobaccoconist, July 8 at 11, Birmingham.—Walter Green and John Griffiths, Barrow Sayce, Worcester, wine merchants, July 8 at 11, Birmingham.—Samuel Wood, Liverpool, broker, July 10 at 11, Liverpool.—Henry Brown and Brook Hodgson, Halifax, Yorkshire, velvet manufacturers, July 5 at 11, Leeds.—Jas. Booth the younger, Bramley, Yorkshire, worsted manufacturer, July 5 at 11, Leeds.

To be granted, unless an Appeal be duly entered.

Giovanni Porpa, St. James's-street, Westminster, Middlesex, tailor.—Wm. Daniel, Penydarren, Merthyr Tydvil, Gle-

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THE JURIST.

LONDON, JUNE 22, 1861.

In two former numbers (ante, pp. 199, 227) we directed attention to the civil war that has broken out between the Federal Government of the United States of America and the States styling themselves Confederate States, and also to some questions of international law to which it is likely to give rise. Among these is one of a very disagreeable nature—namely, what course ought the Government of this country to pursue in the event of any British subjects, who are captured by the Federal Government while serving in privateers sent forth by the Confederate States, being treated as pirates, according to the declaration made by that Government that it will so treat the crews of such privateers? We stated the inclination of our opinion to be, that, under such circumstances, our Government ought not to interfere; but a correspondent having, in an able letter, which will be found in THE JURIST of last week (ante, p. 237), disputed this, we have given the subject deliberate attention, and feel only the more satisfied with the correctness of our original impression.

The state of the facts is simply this:—Great Britain is at peace with the Government of the United States

of America. A certain number of those States have declared their intention to secede, and their secession, from the Union. Their right to do this is denied by the Federal Government; and both parties have had recourse to arms to enforce their respective views. The Confederate States have issued, or declared their intention of issuing, letters of marque; to which the Federal Government retorts, that all vessels acting by virtue of such will be treated as piratical, and their crews dealt with and punished as pirates. The British Government declares its neutrality in the quarrel, and the Sovereign has, in the most emphatic manner, by a proclamation (see ante, p. 200), cautioned her subjects against interference in it; adding these words—"And we do hereby declare that all our subjects, and persons entitled to our protection, who may misconduct themselves in the premises, will do so at their peril, and of their own wrong, and that they will in nowise obtain any protection from us against any liabilities or penal consequences, but will, on the contrary, incur our high displeasure by such misconduct."

Our Government, as appears both by the above proclamation and several other declarations and acts, has declined to express any opinion on the question, whether, by the constitution of the United States, any of the States composing the Union has a right to secede from it, either at pleasure or in consequence of misgo-



vernment and oppression at the hands of the rest. If either no such right exists, or no case has arisen to justify the resort to so strong a measure, the troops of the Confederate States are traitors; it may truly be said, that in them "the spotted rebel stains the soldier," and, it is needless to add, they are liable to capital punishment whenever taken. And it is equally certain, that where there is rebellion against a lawful government, every foreigner acting with the rebels is liable to be treated in the same manner as they—nothing being more clear than the principle, that a foreigner, while under the protection of the flag of any power, owes that power a temporary allegiance.

But suppose, on the other hand, that the Federal Government is wrong in its views on this subject, and that it has no right to carry out its threat of capital punishment on either native Americans or foreigners captured when in the service of the Southern Confederation, does it necessarily follow that Great Britain must interpose to avenge any of her subjects so treated? We take it that the *right* to wage war does not, at least in all cases, carry with it a corresponding *obligation* to wage it. Any person conversant with the history of Europe and America for the last thirty years will easily call to mind scores of acts amounting to *casus belli* which were not treated as such—sometimes from the inability of the injured State to assert its rights, sometimes from the injury being too trivial to be worthy notice, sometimes from political reasons, and sometimes, we may hope, from a spirit of magnanimity. In many cases it is the glory of a man to overlook offences, and we see no reason why the maxim should not hold in the case of nations. Now, has the British subject who enters into a foreign service—perhaps in violation of the law of nations, but certainly in defiance both of the common and statute law of England, and of distinct warning given by his Sovereign—any fair or equitable claim to the protection of that Sovereign against any injury, or even outrage, which he may suffer in consequence of his misconduct? The Sovereign might, perhaps, in pure compassion, intercede to save his life, but surely is not bound to take up arms for that purpose.

The correspondent to whom we have referred argues, however, that the Federal Government of the United States has no right to treat as pirates the crews of the privateers of the Confederate States, because it has, he says, recognised as belligerents the regular land and sea forces of those States. We really are not aware of this fact; on the contrary, so far as our observation leads us, the Federal Government always speaks of the forces of the Confederate States as traitors, rebels, insurgents, &c. But even if the Federal Government had done as our correspondent says, we do not see how that makes any difference. Suppose (absit omen) that several counties of England were in insurrection against the Government, and fighting against it not only on land, but also on sea, both by ships of war and privateers; and the Government were to issue a proclamation, declaring that they would treat the land and regular sea forces of the rebels according to the rules of ordinary warfare, but would treat as pirates the crews of the privateers,

will it be seriously contended that the Government would not have a perfect right to do this? Asserting the negative amounts to saying that a Sovereign cannot remit a portion of his right to punish traitors, and retain the rest—that if he declares an intention of not enforcing that right against certain classes of insurgents, he forfeits his right to enforce it against all others.

Such appears to us the true view of this subject. It is, at all events, that adopted by our Government in the proclamation to which reference has been made, and similar views are entertained by another great European State. The Emperor of the French has recently issued a proclamation, which we have not had the advantage of seeing in the original, and are consequently obliged to take on the credit of a translation. This document, after strictly enjoining neutrality in the American dispute, concludes thus:—"His Majesty declares, moreover, that every Frenchman contravening the present (enactments prescriptions) will have no claim to any protection from his Government against any acts or measures, whatever they may be, which the belligerents may exercise or decree."

### Reviews.

*Wrongs and their Remedies; being a Treatise on the Law of Torts.* By C. G. ADDISON, Esq., of the Inner Temple, Barrister at Law, Author of "The Law of Contracts." [V. & R. Stevens & Sons; Hodges & Smith, Dublin. 1860.]

WE have looked forward to the publication of this book with considerable interest, as professing to fill up a very important gap in our legal library, the learning on torts having hitherto been presented to the public in a very fragmentary manner. We can imagine no task more inviting to the legal writer than the one undertaken by Mr. Addison—no finer opportunity for writing a scientific treatise containing broad unimpeachable principles, under which might be grouped a vast variety of scattered learning, of which the close connexion might be shewn, and the apparent contrarieties discussed and explained. A very short time sufficed to disabuse us of the hope that our author was going to present to us a work of this kind. The little disquisition on torts with which he opens his Preface did not encourage us to expect anything particularly scientific; but when we found him not merely avow that he only intended to treat of "such wrongs and injuries to property, to the person, and to reputation as constantly occur in the ordinary intercourse of mankind, and daily occupy the attention of the lawyer" (Preface, p. vi), and that he had "endeavoured to present to the reader an accurate view of the present state of the law on the subjects treated of, without burthening his mind with technical legal learning, which is now obsolete, or perplexing his judgment with contradictory and conflicting decisions"—when we found this, we not only perceived that we were not going to get the work we wanted, but also felt considerably puzzled as to what sort of book we were going to peruse. On turning to the table of contents we could not discover any principle in the arrangement; and, after carefully reading the entire book, we are compelled to say that in no way can we consider it to be a scientific one—a judgment which, we think, any reader will indorse after a perusal merely of the first

chapter, which opens like a page of Comyn's Digest, taken at hazard. As to its being a book of reference, when the author refuses to have anything to do with conflicting decisions, we leave our readers to judge whether it can be considered complete. But take it as a collection of decided law, arranged under different heads, and let us consider how the author has acquitted himself. The principle of division adopted by Mr. Addison, or, more correctly speaking, the way in which he has carried it out, has in several instances caused information, which should have been gathered into one place, to be inconveniently separated. To give an instance: under the head "Trespass, and Conversion of Chattels" (c. 6, s. 1, p. 190), we find a portion of the learning respecting lost and stolen notes, and negotiable securities; and under the head "Of the Title to Chattels Personal" (c. 6, s. 2, p. 203) another portion, with no reference from the one place to the other.

Again: our author certainly discusses many of his subjects in an imperfect manner. In some instances, perhaps, he could hardly do more without breaking his rule, of avoiding any difficulty presented by conflicting decisions, as in the cases of a man setting dangerous instruments on his premises, and the title to negotiable instruments improperly obtained, both of which subjects present such difficulties, and are in proportion unsatisfactorily treated. But this reason can hardly justify the imperfect treatment of forcible entry (p. 140); the right to hedges and ditches (p. 155); trespass by relation (p. 172); the recovery of money paid under duress of goods (p. 792); and waste (p. 118 et seq.)—the imperfection of this last subject, however, mainly arising from the want of the equity cases; and we observe that he has forgotten to mention, at p. 205, the fact, that where the sale by a bankrupt is the act of bankruptcy, it is not protected.

We also find some actual blunders: thus, at p. 154, we find *The Monmouthshire Canal and Railway Company v. Hill* cited to shew that landowners, whose lands abut on a navigable river or canal, have generally the right to form wharves, whereas that case turned only on the special provisions of a Canal Act. Again: at pp. 674 and 680 we find the powers given to a judge of assize under sect. 17 of stat. 20 & 21 Vict. c. 85 (the Divorce Act), stated as existing, although they were repealed by stat. 21 & 22 Vict. c. 108, s. 19. And at p. 741 it is stated that a plaintiff is at liberty in all personal actions to lay his venue where he pleases; while, in discussing the effect of a sale in market overt (p. 198), he gives us stat. 21 Hen. 8, c. 11, and then says, that by virtue of that statute, and of stat. 7 & 8 Geo. 4, c. 29, s. 57, to the same effect, the right of property in things stolen is restored to the person robbed immediately on conviction of the offender—being apparently unaware of the fact that the former statute, which referred only to felonies, was repealed by stat. 7 & 8 Geo. 4, c. 27, and the latter one (extending to false pretences) substituted.

We should, perhaps, also mention, that we find from the Preface that "it was intended to have concluded the present work with a chapter upon the remedies afforded for certain civil wrongs by way of mandamus and injunction; but so many changes are projected and being carried out in this remedial branch of our law, that it has been thought advisable to postpone the consideration of it." The want of any reference to this subject of course makes the work still more incomplete; but as this portion of our law (as administered by our common-law courts) is at present wanting in legal decisions, it would be out of place in a book which so carefully avoids anything like discussion or deduction.

It must not be inferred from these remarks that this book shews signs of scissors and paste work; not-

withstanding its bulk there is not the slightest sign of this; every page of it discloses the conscientiousness and labour of the author; and for this reason we greatly regret that, in the discharge of our duty, we have had to make the above strictures. We think this book, as far as it goes, is generally to be depended on; but that it is necessarily imperfect, from the method which the author has deliberately adopted of avoiding conflicting cases—a method so rigorously pursued that he even avoids pointing out where these difficulties lie. Containing, however, as it does, an immense mass of information never yet put together in one volume, we look upon it, even with its faults, to be an useful addition to our law library.

### BOOKS RECEIVED.

An Examination of Mr. Pitt Taylor's Thesis, "On the Expediency of passing an Act to permit Defendants, in Criminal Courts, and their Wives or Husbands, to testify on Oath." By Francis Worsley, of the Middle Temple and Home Circuit, Barrister-at-Law.—Butterworths. 1861.

A Letter to the Right Hon. Sir G. C. Lewis, Bart., Secretary of State for the Home Department, on the Present State of the Criminal Law. By William Ribton, A.B., T.C.D., of Lincoln's Inn, Barrister-at-Law.—Shaw & Sons. 1861.

A Selection of Precedents in Conveyancing, designed as a Handbook of Forms in frequent Use; with Practical Notes. By Francis Housman, of Lincoln's Inn, Barrister-at-Law. Post 8vo., pp. 412.—Stevens & Sons. 1861.

A Treatise on Wills, by Thomas Jarman, Esq. The Third Edition, by E. P. Wolstenholme, M.A., and S. Vincent, B.A., of Lincoln's Inn and the Inner Temple, Barristers-at-Law. 2 vols. royal 8vo.—Sweet. 1861.

### CHANCERY ORDER.

WHEREAS it is proper that the accounts kept by the Accountant-General of this court should be examined and compared in order to settle the same; and whereas it will require considerable time to perfect such examination, and it is necessary that a time should be appointed for closing the books of accounts of the said Accountant-General for the purposes aforesaid: I do order that the books of the said Accountant-General be closed from and after Monday, the 19th August next, to Monday, the 28th October next, inclusive, excepting upon the days and for the purposes hereinafter mentioned, in order to adjust the accounts of the suitors with the books kept at the Bank; and that during that time no draft for any money, except as hereinafter provided, or certificate for any effects under the care and direction of this court, be signed or delivered out by the Accountant-General, or any stocks or annuities accepted or transferred by him relating to the suitors of this court; and that no purchase, sale, or transfer be made by the said Accountant-General, unless the order and request or registrar's certificate be left at his office on or before Thursday, the 8th August next; and that no order for payment of any money out of court, which may be then in court, be received in the Accountant-General's office after Saturday, the 10th August next: provided, nevertheless, that the office of the said Accountant-General shall be open on Monday, the 14th, Tuesday, the 15th, and Wednesday, the 16th October next, for the delivery out of any regular

interest drafts which have become payable in respect of the October dividends, and of any other regular interest drafts which shall have become payable during the closing of the office as aforesaid. And to the end that the suitors may have notice hereof, and apply to the Court, as there shall be occasion, to have money paid to them out of the Bank, or stocks or annuities transferred to them before the 19th August next, I do order that this Order be entered and set up in the several offices of this court.

June 6, 1861. (Signed) CAMPBELL, C.

## EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

TRINITY TERM, 1861.

AT the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. Germain Lavie, M. A., aged twenty-five, who served his clerkship to Messrs. Oliverson & Peachey, of Frederick's-place, London, and Messrs. Crowder, Maynard, Son, & Lawford, of Coleman-street, London.

2. Charles Albert Bannister, aged twenty-one, who served his clerkship to Mr. Charles Pearson, of Guildhall, London, and Messrs. Davidson, Bradbury, & Hardwick, of Basinghall-street, London.

3. William Henry Churton, aged twenty-one, who served his clerkship to Messrs. John & John George Holden, of Liverpool, and Messrs. Cunliffe & Beaumont, of Chancery-lane, London.

4. William Crump Thomas, aged twenty-one, who served his clerkship to Messrs. Duignan & Ebsworth, Walsall, and Messrs. Mackeson & Goldring, of Lincoln's-inn-fields, London.

5. Charles Buckley, aged twenty-two, who served his clerkship to Mr. John Ponsonby, of Oldham, and Mr. William Hunt of Gray's-inn, London.

6. Abel Tillett, aged twenty-two, who served his clerkship to Mr. Wace Lockett Mendham, of Norwich.

The Council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Lavie, the prize of the Honourable Society of Clifford's Inn; to Mr. Bannister, the prize of the Honourable Society of Clement's Inn; to Mr. Churton, one of the prizes of the Incorporated Law Society; to Mr. Thomas, one of the prizes of the Incorporated Law Society; to Mr. Buckley, one of the prizes of the Incorporated Law Society; and to Mr. Tillett, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Henry Botterill, aged twenty-one, who served his clerkship to Messrs. England, Saxelbye, & Roberts, of Hull; George John Cuddon, aged twenty-four, who served his clerkship to Messrs. Blount & Davis, of Uak, Messrs. Duncan, Squarey, Duncan, & Blackmore, of Liverpool, and Messrs. Field & Boscoe, of Lincoln's-inn-fields, London; Benjamin Greene Lake, aged twenty-two, who served his clerkship to Messrs. H. & G. Lake & Kendall, of Lincoln's-inn, London; Henry Fricker Lawes the younger, aged twenty-two, who served his clerkship to Mr. Thomas Dix, of Bristol, and Messrs. Meredith & Lucas, of Lincoln's-inn, London; Charles Frederick Lowe, aged twenty-two, who served his clerkship to Messrs. Falkner & Newbald, of Newark; Frederick Heygate Nunneley, aged twenty-four, who served his clerkship to Messrs. Staniland &

Chapman, of Boston, Messrs. Staniland & Wigelsworth, of Boston, and Messrs. Tooke & Co., of Bedford-row, London; Frederick Danby Palmer, aged twenty-one, who served his clerkship to Messrs. Reynolds & Palmer, of Great Yarmouth, and Messrs. Gray & Woodcock, of Lincoln's-inn-fields, London; and Frederick William Pamphilon, aged twenty-one, who served his clerkship to Mr. William Day, of Queen-street, May-fair, London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates that their answers to the questions at the examination were highly satisfactory, and would have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

George Brown, aged thirty-two, who served his clerkship to Mr. Henry Newton, of York; Sutton John Elliott, aged twenty-six, who served his clerkship to Mr. Charles Henry Binsteed, of Portsmouth; John Bridges Nunn, aged twenty-six, who served his clerkship to Mr. Albert Dixon, of Bedford-row, Mr. George Matthews Arnold, of Gravesend, and Mr. Richard Higgins Burne, of Carey-street, London; William Conning Shepherd, aged twenty-eight, who served his clerkship to Messrs. De Jersey & Micklem, of Gresham-street West, London; and William Theodore Pitt Watkins, aged twenty-eight, who served his clerkship to Mr. Charles Harris, of Bristol, and Mr. Richard Walker Pigeon, of Bristol.

The number of candidates examined in this term was 125; of these 120 were passed, and 5 postponed.

By order of the Council,

ROBERT MAUGHAM, Secretary.

Law Society's Hall, June 13, 1861.

## PROCEEDINGS IN PARLIAMENT.

### HOUSE OF LORDS.

June 18.—The Government Bill to amend the Law of Bankruptcy and Insolvency has been read a third time and passed, with considerable amendments.

### HOUSE OF COMMONS.

June 14.—On the motion for the third reading of the Courts of Justice Building Bill, it was stated by the Government that the measure would be inoperative until a bill, to be brought in by the Attorney-General for the removal of the courts of justice, should be passed. The third reading was adjourned.

June 17.—The Attorney-General gave notice that he would on the 20th June move for leave to bring in a bill for the removal of the courts of justice; until when the third reading of the Courts of Justice Building Bill would be suspended.

Two of the bills introduced by the Solicitor-General for the consolidation and amendment of the Criminal Law, i. e. "The Accessories and Abettors Bill" and "The Criminal Statutes Repeal Bill," were read a third time and passed.

June 19.—Four more of those bills, i. e. "The Larceny, &c. Bill," "The Malicious Injuries to Property Bill," "The Forgery Bill," and "The Coinage Offences Bill," were read a third time and passed.

JURIDICAL SOCIETY.—A meeting of this society took place on Monday, the 10th June, at its rooms, 4, St. Martin's-place, Trafalgar-square, J. F. Macqueen, Esq., Q. C., in the chair; when Mr. Walker Marshall read a paper intitled "Codification." A discussion ensued, in which the Chairman, Mr. C. Clark, Mr. W. M. Best, Mr. F. S. Reilly, and Mr. C. H. Hopwood took part.

## Court Papers.

## SITTINGS AFTER TRINITY TERM, 1861.

## Court of Chancery.

Before the LORD CHANCELLOR.

At Lincoln's Inn.

Thursday .. June 20	First Seal.—Appeal Motions and Appeals.
Friday .....	Appeals.
Saturday .....	Petitions and Appeals.
Monday .....	24
Tuesday .....	25
Wednesday ....	26
Thursday .....	27
Friday .....	28
Saturday .....	29
Monday .... July 1	Appeals.
Tuesday .....	2
Wednesday ....	3
Thursday .....	4
Friday .....	5
Saturday .....	6
Monday .....	8
Tuesday .....	9
Wednesday ....	10
Thursday .....	11
Friday .....	12
Saturday .....	13
Monday .....	15
Tuesday .....	16
Wednesday ....	17
Thursday .....	18
Friday .....	19
Saturday .....	20
Monday .....	22
Tuesday .....	23
Wednesday ....	24
Thursday .....	25

*Notice.*—Such days as his Lordship shall be engaged in the House of Lords are excepted.

Before the LORDS JUSTICES.

At Lincoln's Inn.

Thursday .. June 20	First Seal.—Appeal Motions and Appeals.
Friday .....	21
Saturday .....	22
Monday .....	24
Tuesday .....	25
Wednesday ....	26
Thursday .....	27
Friday .....	28
Saturday .....	29
Monday .... July 1	Appeals.
Tuesday .....	2
Wednesday ....	3
Thursday .....	4
Friday .....	5
Saturday .....	6
Monday .....	8
Tuesday .....	9
Wednesday ....	10

Thursday .....	11	Fourth Seal.—Appeal Motions and Appeals.
Friday .....	12	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	13	
Monday .....	15	Appeals.
Tuesday .....	16	
Wednesday ....	17	
Thursday .....	18	Fifth Seal.—Appeal Motions and Appeals.
Friday .....	19	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	20	
Monday .....	22	Appeals.
Tuesday .....	23	
Wednesday ....	24	
Thursday .....	25	Sixth Seal.—Appeal Motions and Appeals.
Friday .....	26	
Saturday .....	27	
Monday .....	29	Appeal Motions and Appeals.
Tuesday .....	30	
Wednesday ....	31	

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

Before the MASTER OF THE ROLLS.

At Chancery-lane.

Thursday .. June 20	First Seal.—Motions.
Friday .....	21
Saturday .....	22
Monday .....	24
Tuesday .....	25
Wednesday ....	26
Thursday .....	27
Friday .....	28
Saturday .....	29
Monday .... July 1	
Tuesday .....	2
Wednesday ....	3
Thursday .....	4
Friday .....	5
Saturday .....	6
Monday .....	8
Tuesday .....	9
Wednesday ....	10
Thursday .....	11
Friday .....	12
Saturday .....	13
Monday .....	15
Tuesday .....	16
Wednesday ....	17
Thursday .....	18
Friday .....	19
Saturday .....	20
Monday .....	22
Tuesday .....	23
Wednesday ....	24
Thursday .....	25

N. B.—At the Sittings after Trinity Term, the Master of the Rolls will hear Further Considerations in priority to Original Causes, until those set down before the 20th June have been disposed of, after which the Master of the Rolls will hear Further Considerations on every Monday during the sitting of the Court.

Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

*At Lincoln's Inn.*

Thursday .. June 20	{ First Seal.—Motions and General Paper.
Friday .....	{ 21 Petitions.
Saturday .....	{ 22 Short Causes, Adjourned Summonses, and General Paper.
Monday .....	{ 24 General Paper.
Tuesday .....	{ 25
Wednesday .....	{ 26
Thursday .....	{ 27 Second Seal.—Motions and General Paper.
Friday .....	{ 28 Petitions.
Saturday .....	{ 29 Short Causes, Adjourned Summonses, and General Paper.
Monday .... July 1	{ General Paper.
Tuesday .....	{ 2
Wednesday .... 3	{
Thursday .....	{ 4 Third Seal.—Motions and General Paper.
Friday .....	{ 5 Petitions.
Saturday .....	{ 6 Short Causes, Adjourned Summonses, and General Paper.
Monday .....	{ 8 General Paper.
Tuesday .....	{ 9
Wednesday .... 10	{ <i>No Sittings.—The Queen's Birthday kept.</i>
Thursday .....	{ 11 Fourth Seal.—Motions and General Paper.
Friday .....	{ 12 Petitions.
Saturday .....	{ 13 Short Causes, Adjourned Summonses, and General Paper.
Monday .....	{ 15 General Paper.
Tuesday .....	{ 16
Wednesday .... 17	{
Thursday .....	{ 18 Fifth Seal.—Motions and General Paper.
Friday .....	{ 19 Petitions.
Saturday .....	{ 20 Short Causes, Adjourned Summonses, and remaining Petitions.
Monday .....	{ 22 Remaining Petitions and General Paper.
Tuesday .....	{ 23
Wednesday .... 24	{
Thursday .....	{ 25 Sixth Seal.—Motions.

N. B.—At the Sittings after Trinity Term the Vice-Chancellor will hear Further Considerations in priority to Original Causes. Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Lincoln's Inn.*

Thursday .. June 20	{ First Seal.—Motions.
Friday .....	{ 21 Petitions and General Paper.
Saturday .....	{ 22 Short Causes and General Paper.
Monday .....	{ 24 General Paper.
Tuesday .....	{ 25
Wednesday .... 26	{
Thursday .....	{ 27 Second Seal.—Motions and General Paper.
Friday .....	{ 28 Petitions and General Paper.
Saturday .....	{ 29 Short Causes and General Paper.
Monday .... July 1	{ General Paper.
Tuesday .....	{ 2
Wednesday .... 3	{
Thursday .....	{ 4 Third Seal.—Motions and General Paper.
Friday .....	{ 5 Petitions and General Paper.
Saturday .....	{ 6 Short Causes and General Paper.
Monday .....	{ 8 General Paper.
Tuesday .....	{ 9
Wednesday .... 10	{ <i>No Sittings.—The Queen's Birthday kept.</i>
Thursday .....	{ 11 Fourth Seal.—Motions and General Paper.
Friday .....	{ 12 Petitions and General Paper.
Saturday .....	{ 13 Short Causes and General Paper.

Monday .....	{ 15
Tuesday .....	{ 16 General Paper.
Wednesday .... 17	{
Thursday .....	{ 18 Fifth Seal.—Motions and General Paper.
Friday .....	{ 19 Petitions.
Saturday .....	{ 20 Short Causes and remaining Petitions.
Monday .....	{ 22 Remaining Petitions and General Paper.
Tuesday .....	{ 23
Wednesday .... 24	{
Thursday .....	{ 25 Motions.

N. B.—At the Sittings after Trinity Term, the Vice-Chancellor will hear Further Considerations in priority to Original Causes. Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Lincoln's Inn.*

Thursday .. June 20	{ First Seal.—Motions.
Friday .....	{ 21 General Paper.
Saturday .....	{ 22 Petitions, Short Causes, and General Paper.
Monday .....	{ 24 General Paper.
Tuesday .....	{ 25
Wednesday .... 26	{
Thursday .....	{ 27 Second Seal.—Motions and General Paper.
Friday .....	{ 28 General Paper.
Saturday .....	{ 29 Petitions, Short Causes, and General Paper.
Monday .... July 1	{ General Paper.
Tuesday .....	{ 2
Wednesday .... 3	{
Thursday .....	{ 4 Third Seal.—Motions and General Paper.
Friday .....	{ 5 General Paper.
Saturday .....	{ 6 Petitions, Short Causes, and General Paper.
Monday .....	{ 8 General Paper.
Tuesday .....	{ 9
Wednesday .... 10	{ <i>No Sittings.—The Queen's Birthday kept.</i>
Thursday .....	{ 11 Fourth Seal.—Motions and General Paper.
Friday .....	{ 12 General Paper.
Saturday .....	{ 13 Petitions, Short Causes, and General Paper.
Monday .....	{ 15 General Paper.
Tuesday .....	{ 16
Wednesday .... 17	{
Thursday .....	{ 18 Fifth Seal.—Motions and General Paper.
Friday .....	{ 19 General Paper.
Saturday .....	{ 20 Petitions and Short Causes.
Monday .....	{ 22 Remaining Petitions and General Paper.
Tuesday .....	{ 23
Wednesday .... 24	{
Thursday .....	{ 25 Sixth Seal.—Motions.

N. B.—At these sittings the Vice-Chancellor will hear such Further Considerations as are in the printed list, in priority to Original Causes; and after the Sixth Seal, Motions and remaining Petitions only will be heard. Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*The Courts will not sit after Wednesday, the 7th August.*

### COURT OF EXCHEQUER.

TRINITY TERM, 24 VICT.—June 12, 1861.

This Court will hold a sitting on Saturday, the 6th day of July next, and will at such sitting proceed in giving judgment in matters then standing for judgment.

FREDERICK POLLOCK.  
SAMUEL MARTIN.  
JAMES WILDE.

EQUITY CAUSE LISTS, AFTER TRINITY  
TERM, 1861.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjournd—A. T. After Term—Ap. Appeal—C. D. Cause Day—CL. Claim—C. Costs—D. Demurrer—E. Exceptions—F. C. Further Consideration—F. D. Further Directions—M. Motion—M. D. Motion for Decree—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—S. O. Stand Over—Sh. Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

## APPEALS.

Cardinal v. Molyneux (S., May 9) L. C.	Pawley v. Turnbull (S., June 8)
Towie v. National Guardian Assurance Society (S., May 24) Full Court	Mare v. Earle (S., June 11)
Same v. Same (S., June 1) Full Court	Saltmarsh v. Barrett (R., June 11)
Nowell v. Andover Railway Co. (S., June 3)	Dickason v. Foster (R., June 15)
Brock v. Kellock (S., June 5)	Secretary of State for India v. Kelson (S., June 15).

Before the Right Hon. the MASTER OF THE ROLLS.

## CAUSES, &amp;c.

In re Tweddle's Estate } (F	Hedley v. Tyzack (M D)
Fry v. Lear } (C)	Kimber v. Hinton (M D)
Warbrick v. Varley (F C)	Mayer v. Mayer (F C, ad-journed Summons)
Ley v. Clift (F C)	Lea v. Head (M D)
Clark v. Everfield (M D)	Cock v. Masters (M D)
Woodfall v. Keat (Cause)	Harward v. Marsh (M D)
Galland v. Hope (M D)	Williams v. E. Williams (M D)
Alexander v. West End of London and Crystal Palace Railway Co. (M D)	Williams v. H. T. Williams (M D)
Dalton v. Crew (Cause)	Pullan v. Pullan (Cause)
Cuddon v. Plews (M D)	Howard v. Howard (Cause)
Davies de Pontes v. Kendall (Cause)	Moss v. Hamilton (M D)
Seawell v. Webster (M D)	Crouch v. Walker (F C, Summons to vary certificate)
Thornton v. Howe (M D)	Taylor v. Plummer (M D)
Round v. Bell (Cause)	Marsh v. Shallow (M D)
Padwick v. Hawkins (Cause)	Thwaites v. M'Intyre (M D)
Rolt v. Att.-Gen. (Cause)	Pinching v. Harvey (M D)
Webster v. Cecil (M D)	Stone v. Robinson (F C)
Newsome v. Flowers (M D)	Moore v. Moore (M D)
Eaves v. Hickson (M D)	Peirse v. Peirse (F C)
Creighton v. Callis (M D)	Higman v. Gummoe (M D)
Wilson v. Venables (M D)	Kernot v. Potter (M D)
Marquis of Clanricarde v. Henning (Cause)	Hart v. Montefiore (M D)
Walsh v. Secretary of State for India (M D)	Paling v. Smith (Cause, P C)
Scarborough v. Shaw (M D)	Jenkins v. Harries (M D)
Ford v. Davies de Pontes (Cause)	Arthur v. Dibblee (F C)
Bird v. Wyatt (M D)	Acton v. Reece (M D)
Edmonds v. Lord Foley (M D)	Dent v. Allcroft (M D)
Lechmere v. Clamp (Cause)	Att.-Gen. v. Archbishop of York (F C)
Coverdale v. Coore (M D)	In re Henry Tompsett's Estate } (F C, adj.
British Equitable Investment Co. v. Todd (M D)	Tompsett v. Tompsett } from cham.)
Mills v. Dugmore (Cause)	Cathcart v. Hawest (Cause)
Watts v. Watts (M D)	Ludlow v. Maskelyne (F C)
Williams v. Balkwill (M D)	Nevison v. Lennard (M D)
Williams v. Rich (F C)	Cranwick v. Pearson (M D)
Smyth v. Hargreaves (M D)	Clark v. Tasker (M D)
Osborne v. Pickwick (M D)	Williams v. Vale (M D)
Tournay v. Broadley (M D)	Goold v. Cousins (M D)
Perfect v. Lane (Cause)	Earl of Eldon v. Farrer (F C)
Patch v. Wild (M D)	Haynes v. Cooper (M D)
Pybus v. Cottell (M D)	Denton v. Manners (F C).

Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

## CAUSES, &amp;c.

Viscount Wellesey, now Earl of Mornington v. Earl of Mornington } (F C, Re to certifi.)	Colyer v. Colyer (Cause)
Countess of Mornington v. Viscount Wellesey, now Earl of Mornington }	Fleischmann v. Earl of Mornington (M D)
Drakeford v. Stubbs (F C, Sum. to vary certificate, part heard)	Upton v. Vanner (Cause)
Lambert v. Turner (M D)	Jamison v. M'Kenzie (F C, Ptn)
Tranfield v. Tranfield (Cause)	Colyer v. Colyer (M D)
Morton v. Badley (M D)	Hinchcliffe v. Hinchcliffe (Sp. case)
Melnertzhayen v. Stewart (Cause)	Pechine v. Denis (Cause)
Tickler v. Metcalfe (M D)	Franklin v. Osmond (M D)
Shuttleworth v. Bristol (F C)	Archer v. Feist (F C)
Cope v. Evans (F C)	Weatherley v. Cannan (M D)
Richardson v. Wright (M D)	Bingham v. Hallam (F C)
Loring v. Thomas (F C)	Woolnough v. Sturgis (M D)
Sellon v. Watts (F C)	Mayne v. Clement (Cause)
Jefferson v. Jefferson (F C)	Eyeston v. Fotheringham (M D)
Jones v. Gloster (F C)	Matthews v. Goodday (M D)
Sargisson v. Whaler (F C)	Davies v. Smith (M D)
Groom v. Groom (F C)	Thompson v. Thompson (Ca.)
Groom v. Birdseye (F C)	Allan v. Hartley } (F C)
Oldridge v. Mitchell (M D)	Hartley v. Allan }
Dodson v. Semmell (Re-hearing of cause, Ptn)	Gray v. Dowman (F C)
Telford v. Ruskin (Cause)	Clarke v. Sturgis (M D)
Whaplate v. Whaplate (Cause)	In re Robertson's } (F C, ad-journed from chamb.)
Taylor v. Walker (F C)	Robertson v. Robertson
Perks v. Stothert (F C, Motion to vary certificate)	Barnett v. Blake (M D)
Greenwood v. Greenwood (Cause)	Wills v. Pain (Cause)
	Leaton v. Armstrong (M D)
	Hallpike v. Rowden (F C)
	Weldon v. Hoyland (F C)
	Waud v. Waud (Cause).

Before the Vice-Chancellor Sir JOHN STUART.

## CAUSES, &amp;c.

Eversfield v. Clark (M D)	Rickards v. Gledstones (M D)
Draper v. Manchester, Sheffield, & Lincolnshire Railway Co. (M D)	Blest v. Brown (M D)
Child v. Smith (M D)	Ince v. Ince (F C)
Marshall v. Carter (Cause)	Cockshott v. Lister (M D)
Anglo-Australian & Universal Family Life Assurance Co. v. British Provident Life and Fire Assurance Society (Cause)	Hart v. Burrows (Cause)
Anderson v. Elsworth (Cause)	Fisk v. Norton (F C, Ptn)
Gibbs v. Daniel (M D)	Haggerston v. Blacklock (F C)
Baker v. Aplin (M D)	Sykes v. Bond (M D)
Bayley v. Casse (Cause)	Woodhams v. Anglo-Australian and Universal Family Life Assurance Co. (M D)
Casse v. Bayley (Cause)	Campbell v. Kay (M D)
Jones v. Parry } (Rehear-Jones v. Bennion } ing)	Neve v. Cust (M D)
Bennett v. Knighton Railway Co. (M D)	Spearman v. Bailey (F C)
Riley v. Goaling (M D)	Griffiths v. Bedborough (F C)
Morgan v. Stephens (Cause)	Bampton v. Bampton (M D)
Whitehouse v. Whitehouse (M D)	Phillips v. Phillips (M D)
Miller v. Finlay (Cause)	Tebay v. Scott (F C)
Johnson v. Swire (Cause)	Servante v. Blake (Cause)
Brown v. Banks (M D)	Andrew v. Andrew (F C)
Carnes v. Brown (M D)	Harries v. Vaughan (F C, Summons)
Willadon v. Pratley (M D)	Marquet v. Simes (F C)
Simmonds v. Simmonds (M D)	Pulman v. Archer (F C)
Coleman v. Butt (Cause)	Walker v. Walker (F C)
Thomas v. Davies (Cause)	Becke v. Simpson (M D)
Douglas v. Culverwell (Cause)	Creasy v. Sturgis (M D)
Hunton v. Hutchinson (Cause)	Fyson v. White (F C)
Cole v. Field } (F C)	Winton v. Johnson (M D)
Field v. Field }	Elderton v. Cameron (Re-vived claim)
	Barry v. Marriott (F D)
	Angell v. Angell (M D)
	Ward v. Footman (M D)
	Hunt v. Badger (M D)

Cox v. Healey (M D)  
Lewis v. Eyton (F C)  
Chadwick v. Greenall (F C)  
Nicholson v. Patrickson (F C)  
Lawrence v. Vickery (M D)  
Mellor v. Woodward (F C)  
Biggs v. Cakebread (M D)  
Johnson v. Nicholson (M D)

Cross v. Cross (M D)  
Challoner v. Dixon (F C)  
Burdon v. Barkins (M D)  
Weldon v. Youard (F C)  
Nickels v. Wilkinson (M D)  
Lewis v. Woodcock (Cause)  
Lewis v. Croase (Cause)  
Williams v. Cooke (F C).

Salter v. Salter (Cause)  
Howe v. Clarke (Cause)  
Giles v. Phelps (Cause)  
Cubitt v. Victoria Station and  
Pimlico Railway Co. (Cau.)  
Spilsbury v. Kent (Cause)  
Ogden v. Fossick (Cause)  
Humble v. Bell (F C)  
Rumball v. George (F C)  
Bell v. Cade (Sp C)  
Shand v. Stansfield (M D)  
Baston v. Hingston (M D)  
Davenport v. Davenport (M  
D)  
Edkins v. Walker (F C)  
Swansea Harbour Trustees v.  
Swansea Dock Co. (M D)  
Bulpett v. Gover (Cause)  
Whitmore v. Mason (Cause)  
Michael v. Stephenson (M D)  
Jourdain v. Darthez (M D)  
Brown v. Kains (M D)  
Ellery v. Wilkins (Sp. case)  
Wood v. Bower (Cause)  
Golden v. Newton (F C)  
Robinson v. Baynes (Cause)  
Gray v. Cripps (Cause)  
Jeaffreson v. Barnard (Cause)  
Fothergill v. Randall (M D)  
Clayton v. Rudgard (M D)

Cresswell v. Haines (M D)  
Bond v. Taylor (M D)  
Hance v. Truwhett (Sp. case)  
Elliot v. Hooper (M D)  
Barrow v. Barrow (F C)  
Rowe v. Kidman (F C)  
Gay v. Lovell (M D)  
Dixon v. Duffield (Sp. case)  
Grainger v. Anderson (Cause)  
Ponsford v. Swayne (Cause)  
Spaight v. Cowne (Cause)  
Glyn v. Flamank (M D)  
Willmer v. Kidd (F C)  
Holmes v. Blackmore (M D)  
Chinery v. Pearl (Cause)  
Renshaw v. Walmaley (M D)  
Holmes v. Prescott (M D)  
Cleave v. Hilhouse (F C)  
Arthur Smith v. William  
Smith (Cause)  
Napper v. Napper (F C)  
Perry v. Collins (M D)  
Reeve v. Reeve (Cause)  
Hill v. Potts (Cause)  
Hamerton v. Hamerton (F C)  
Morgan v. Bignell (F C)  
Thomas v. Lewis (Cause)  
Ralli v. Universal Marine In-  
surance Co. (M D)  
Cook v. Tibbs (Cause).

*Before the Vice-Chancellor Sir W. P. Wood.*

#### CAUSES, &c.

Keane v. Robins (E to ans.)  
In re Reg. and James Manger  
Holmes & ors. (D of Att-  
Gen. to petition of right)  
Mertens v. Haigh (E to ans.)  
Mertens v. Haigh (E to ans.)  
Oriental Inland Steam Co.  
(Limited) v. Briggs (D)  
Mills v. Seward (M D, part  
heard)  
Williams v. Williams (Cause)  
Thompson v. Holman (M D)  
Rumsey v. Eaton (Sp C)  
Hancock v. Rollison (Cause)  
Melton v. Day (F C)  
Whalley v. Ramage (F C)  
Glover v. Baker (M D)  
Parkes v. Mills (M D)  
Hope v. Fox (M D)  
Wagner v. Pennell (Cause)  
Boyes v. Bedale (Cause)  
Mendes v. Gusdella (M D)  
Stanley v. Stanley (M D)  
Plimmer v. Hughes (M D)  
Knapp v. Burnaby (F C)  
Buchanan v. Harrison (Cau.)  
Mold v. Mold (Cause)  
Wyman v. Bockett (M D)

Wyman v. Mason (M D)  
Mason v. Wyman (M D)  
Nixon v. Roberts (M D)  
Thomas v. Hobler (Cause)  
Drake v. Drake (Cause)  
Drake v. Drake (Cause)  
Dadson v. Bishop (Rehear-  
ing of M D)  
Mayor, &c. of Kingston-upon-  
Hull v. Att-Gen. (M D)  
Budd v. Hughes (M D)  
Hughes v. Budd (M D)  
St. Thomas's Hospital v.  
Charing-cross Railway Co.  
(M D)  
Wells v. Wood (F C)  
Wright v. Wright (Cause)  
Dowell v. Reece (Cause)  
Lord Norbury v. Kitchin  
(Cause)  
Fitzgerald v. Champneys (M  
D)  
Hunt v. Tozer (Cause)  
Tozer v. Hunt (Cause)  
Ashton v. Copeland (Sp C)  
Wilks v. Williams (Sp C)  
Horner v. Linney (M D)  
Aylwin v. Challen (Cause)

THE COUNTY COURTS.—The Lord Chancellor has appointed D. D. Heath, Esq., the judge of the Bloomsbury County Court, and J. B. Dasent, Esq., the judge of the Shoreditch and Bow County Courts, to be members of the Committee of County Court Judges, under the stat. 19 & 20 Vict. c. 108, in the places of John Herbert Koe, Esq., Q. C., deceased, and Edward Cooke, Esq., resigned.

#### CIRCUITS OF THE JUDGES.

*(Lord Chief Justice COCKBURN will remain in Town).*

SUMMER CIRCUITS, 1861.	NORFOLK.	MIDLAND.	HOME.	NORTHERN.	S. WALES.	N. WALES.	WESTERN.	OXFORD.
	L. C. J. Erle J. Wightman	LCB Pollock J. Willes	J. Williams J. Blackburn	B. Martin B. Wilde	J. Crompton	B. Bramwell	B. Channell J. Byles	J. Hill J. Keating
Monday, July 8	.....	.....	.....	.....	Cardigan	.....	.....	Abingdon
Tuesday ... 9	.....	Oakham	.....	York & City	.....	.....	.....	Oxford
Wednesday ... 10	.....	Northampton	.....	.....	.....	.....	.....	.....
Thursday ... 11	Aylesbury	.....	Hertford	.....	Haverford- [west & Tn.]	.....	Winchester	.....
Saturday ... 13	.....	Leicest. & B.	.....	.....	.....	.....	.....	Worcester & [City]
Monday ... 15	Bedford	.....	Chelmsford	.....	.....	Newtown	.....	.....
Tuesday ... 16	.....	.....	.....	.....	Cardmarthen	.....	.....	.....
Wednesday ... 17	Huntingdon	Nottingham	.....	.....	.....	.....	Salisbury	.....
Thursday ... 18	.....	[& Town]	.....	.....	.....	Dolgelly	.....	Stafford
Friday ... 19	Cambridge	.....	Lewes	.....	Cardiff	.....	.....	.....
Saturday ... 20	.....	Lincoln & [City]	.....	.....	.....	.....	.....	.....
Monday ... 22	.....	.....	.....	.....	.....	Carnarvon	Dorchester	.....
Tuesday ... 23	.....	.....	.....	Durham	.....	.....	.....	.....
Wednesday ... 24	Norwich and [City]	.....	Maldstone	.....	.....	.....	.....	.....
Thursday ... 25	.....	Derby	.....	.....	.....	Beaumaris	Exeter & City	.....
Saturday ... 27	.....	.....	.....	.....	.....	.....	.....	Shrewsbury
Monday ... 29	.....	.....	.....	Newcastle & [Town]	Brecon	Ruthin	.....	.....
Tuesday ... 30	Ipswich	Warwick	.....	.....	.....	.....	.....	Hereford
Wednesday ... 31	.....	.....	Croydon	.....	.....	.....	.....	.....
Thurs., Aug. 1	.....	.....	.....	.....	Presteign	Mold	Bodmin	.....
Friday ... 2	.....	.....	.....	Carlisle	.....	.....	.....	.....
Saturday ... 3	.....	.....	.....	.....	Chester & [City]	Chester & [City]	Wells	Monmouth
Tuesday ... 6	.....	.....	.....	Appleby Lancaster	.....	.....	.....	.....
Wednesday ... 7	.....	.....	.....	.....	.....	.....	.....	Gloucester & [City]
Thursday ... 8	.....	.....	.....	.....	.....	.....	.....	.....
Saturday ... 10	.....	.....	.....	Liverpool	.....	.....	Bristol	.....



morganshire, innkeeper.—*William Richards*, Pont-y-pridd, Glamorganshire, commission agent.—*Jas. Westbury*, Gloucester, innkeeper.—*John Wreford Hunt*, Liverpool, lamp manufacturer.—*James Fell*, Liverpool, tea merchant.—*Jas. Benjamin Copland*, Manchester, wine merchant.—*George Woodruff*, Hulme, Manchester, butcher.—*John Bristol*, Stourbridge, Worcestershire, licensed victualler.

#### SCOTCH SEQUESTRATIONS.

*Alexander Buchanan*, Stirling, writer.—*Wm. M'Morran*, Girvan, printer.—*Robert Austin*, Glasgow, baker.—*Robert Barclay*, Blantyre, storekeeper.—*John Moffat*, Glasgow, clogmaker.—*Caleb Walker*, Burntisland, Fifeshire, grocer.

TUESDAY, June 18.

#### BANKRUPTS.

**THOMAS BACON**, Newmarket, Cambridgeshire, hotel keeper, June 28 at 1, and July 25 at half-past 1, London: Off. Ass. Bell; Sols. Kimberley & Co., 26, Old Broadstreet.—Pet. f. May 18.

**THOMAS SYMONS**, Princes-terrace, Caledonian-road, Islington, and St. John-street, Clerkenwell, Middlesex, leather seller, June 27 at half-past 12, and Aug. 2 at 12, London: Off. Ass. Stansfeld; Sols. Ford & Lloyd, 4, Bloomsbury-square, London.—Pet. f. June 15.

**CHARLES KERMAN**, Millbrook, near Southampton, Hampshire, engineer, July 2 at half-past 11, and Aug. 6 at 11, London: Off. Ass. Edwards; Sols. Lepard & Gammon, 9, Cloak-lane, London.—Pet. f. June 4.

**JAMES TREE**, Worcester, scrivener, and West Malvern, Worcestershire, lodging-house keeper, July 1 and 29 at 11, Birmingham: Off. Ass. Whitmore; Sols. E. & J. Wright, Birmingham; Hughes & Son, Worcester; James & Knight, Birmingham.—Pet. d. June 13.

**WILLIAM HOWLS**, Little Stretton, Shropshire, licensed victualler, June 28 and July 18 at 11, Birmingham: Off. Ass. Whitmore; Sols. Davis, Shrewsbury; James & Knight, Birmingham.—Pet. d. June 11.

**JOHN BROMFIELD BROWN**, Coventry, ribbon manufacturer, July 1 and 22 at 1, Birmingham: Off. Ass. Kinnear; Sols. Dewes, Coventry; James & Knight, Birmingham.—Pet. d. June 17.

**JOHN DOUGLAS**, Wolverhampton, Staffordshire, dealer and chapman, July 1 and 22 at 11, Birmingham: Off. Ass. Whitmore; Sols. Terry & Watson, Bradford; Smith, Birmingham.—Pet. d. June 3.

**PETER ALDER**, West Malvern, Worcestershire, builder, June 28 and July 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Jacob, West Malvern; E. & H. Wright, Birmingham.—Pet. d. June 17.

**THOMAS PERKES**, Ecclesfield, Yorkshire, corn miller, June 29 and July 27 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdakin, Sheffield.—Pet. d. June 10; f. June 11.

**EDWARD PARKIN** the elder, Sheffield, Yorkshire, file manufacturer, June 29 and July 27 at 10, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Pet. d. June 10; f. June 11.

**WILLIAM THOMPSON SMITH** and **SAMUEL CANON**, Liverpool, factors, June 28 at 11, and July 24 at 2, Liverpool: Off. Ass. Bird; Sols. Watson & Son, Liverpool.—Pet. f. June 5.

**HENRY KIDD**, Stockport, Cheshire, cotton manufacturer, July 9 and 30 at 12, Manchester: Off. Ass. Pott; Sol. Crowther, Manchester.—Pet. f. June 14.

**JAMES TURNER**, Bury, Lancashire, cotton manufacturer, July 3 and 26 at 12, Manchester: Off. Ass. Hernaman; Sol. Sutton, Manchester.—Pet. f. June 13.

#### MEETINGS.

*Edward T. N. Jenkins*, Victoria-park-square, Bethnal-green, Middlesex, cigar manufacturer, June 29 at half-past 11, London, aud. ac.—*Ebenezer Rae*, Eastcheap, City, commission agent, July 2 at 2, London, aud. ac.—*Fred. Ellyett*, Portsea, Hampshire, hatter, July 2 at 12, London, aud. ac.—*James H. Nuttall*, Liverpool, merchant, June 28 at 11, Liverpool, aud. ac.; July 10 at 11, div.—*James H. Butler*, Liverpool, merchant, June 28 at 11, Liverpool, aud. ac.;

July 10 at 11, div.—*Wm. H. J. Keel* and *Daniel Jackson Roberts*, Rood-lane, City, and Prince Edward's Island, British North America, merchants, July 10 at 2, London, fin. div.—*John M'Calla* and *Alexander Fotheringham*, Friday-street, Cheapside, City, warehousemen, July 10 at 12, London, div. sep. est. of *John M'Calla*.—*Stephen Dodd* and *John C. Peeling*, Woburn, Bedfordshire, booksellers, July 12 at 11, London, div.—*Robert Dennis White* and *John Gregory*, Haymarket, Middlesex, East India army agents, July 12 at 11, London, div.—*Nils Ihlen* and *Frederick Engebræthsen*, Great Tower-street, City, and Russell-street, Rotherhithe, Surrey, ship chandlers, July 9 at 2, London, div.—*Charles H. Cox*, Leamington Priors and Coventry, Warwickshire, jeweller, July 8 at 11, Birmingham, div.—*Thomas Robinson*, Kingston-upon-Hull, broker, July 10 at 12, Kingston-upon-Hull, div.—*George Seaton*, Kingston-upon-Hull, carrier, July 10 at 12, Kingston-upon-Hull, div.—*Simson Coleman*, Kingston-upon-Hull, tailor, June 10 at 12, Kingston-upon-Hull, div.—*William M'Leod*, Kingston-upon-Hull, joiner, July 10 at 12, Kingston-upon-Hull, div.—*Samuel Gooseman*, Great Grimsby, Lincolnshire, innkeeper, July 10 at 12, Kingston-upon-Hull, div.—*Utrick Vipond*, Alston, Cumberland, flour miller, July 10 at 12, Newcastle-upon-Tyne, fin. div.—*Robert J. Brown*, Sunderland, Durham, timber merchant, July 5 at half-past 11, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Mott*, Salisbury, Wiltshire, cabinet maker, July 10 at half-past 12, London.—*Samuel Hill*, Hanley, Stoke-upon-Trent, Staffordshire, furniture dealer, July 19 at 11, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*George B. Sainsbury*, Church-lane, Whitechapel, Middlesex, and Leadenhall street, City, coal merchant.—*Robert Scott* and *Wm. T. Scott*, Southampton, tailors.—*Bartholomew F. Dunkley*, Kettering, Northamptonshire, grocer.—*James H. Smith*, Wyld's-rents, Bermondsey, Surrey, tanner.—*John R. Andrews*, Hanover-place, Park-road, Regent's-park, Middlesex, ironmonger.—*Isaac French*, Manchester, cheese factor.—*William Moss*, Macclesfield, Cheshire, shoe manufacturer.—*George Abbott*, Birmingham, machinist.—*Joseph Sutcliffe*, Scarborough, Yorkshire, upholsterer.—*W. Monday*, Kingston-upon-Hull, coal merchant.—*W. Skinner*, Redcar, Yorkshire, innkeeper.

#### SCOTCH SEQUESTRATIONS.

*John M'Hardy*, Aberdeen, ironmonger.—*George Fletcher Rutherford*, Glasgow, wine merchant.—*Thomas Turnbull*, deceased, Morebattle, Roxburghshire, grocer.—*Thos. Bain*, Loanhead, near Edinburgh, grocer.—*Catherine Sharp* or *Gavin*, widow, Glasgow, outfitter.

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## BANKRUPTS.

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**FREDERICK RUNDALL**, Muscovy-court, Tower-hill, City, wine merchant (trading under the style or firm of Frederick Rundall & Co.), July 5 at half-past 1, and Aug. 9 at 1, London: Off. Ass. Whitmore; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. April 19.

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**RICHARD HARRIS**, Grafton-road, Church-terrace, Kentish-town, Middlesex, builder, July 1 at 11, and Aug. 5 at 12, London: Off. Ass. Pennell; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. June 20.

**FREDERICK BIELEFIELD**, Wellington-street, Strand; Gower-street, Bedford-square; and Staines, Middlesex, papier maché manufacturer, July 4 and Aug. 5 at 11, London: Off. Ass. Pennell; Sol. Lee, Gray's-inn, London.—Pet. f. June 18.

**ARTHUR DUFFIE KIDD**, Fore-street and Cripplegate-buildings, City, straw-hat manufacturer (trading under the name or style of Archibald Duffie), July 8 at half-past 1, and Aug. 2 at half-past 12, London: Off. Ass. Stansfeld; Ashurst & Co., 6, Old Jewry, London; Mason & Co., 7, Gresham-street, London.—Pet. f. Oct. 1.

**GEMINIANO ZANNI**, King-street, Holborn, Middlesex, optician, July 2 at 3, and Aug. 6 at 12, London: Off. Ass. Edwards; Sol. Barry, 8, Gray's-inn-place, Gray's-inn, London.—Pet. f. June 14.

**HENRY COOPER**, Southampton, tailor (lately carrying on business under the style or firm of Hatherly & Cooper), July 6 at 12, and Aug. 6 at 1, London: Off. Ass. Edwards; Sol. Wells, 47, Moorgate-street, London.—Pet. f. June 4.

**JOHN PEACOCK**, Upper Gornal, Sedgley, Staffordshire, licensed victualler, July 5 and 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Bolton & Sanders, Dudley; James & Knight, Birmingham.—Pet. d. June 18.

**THOMAS COOPER** and **HENRY STEPHEN WALLIS**, Perry Barr, Handsworth, Staffordshire, millers, July 5 and 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Smallwood, or Harrison & Wood, Birmingham.—Pet. d. June 20.

**SAMUEL WESTON MOORE**, Nottingham, lace manufacturer, July 2 and Aug. 6 at 11, Nottingham: Off. Ass. Harris; Sol. Ashwell, Nottingham.—Pet. d. June 8.

**CHARLES M'LOUGHLIN**, Cheltenham, Gloucestershire, gunmaker, July 1 and Aug. 5 at 11, Bristol: Off. Ass. Miller; Sols. Wheeler, Cheltenham; Abbot & Co., Bristol.—Pet. f. June 18.

**JOHN FRENCH**, Martock, Somersetshire, corn factor, July 2 and 31 at 12, Exeter: Off. Ass. Hirtzel; Sols. Slade, Yeovil; Turner & Hirtzel, Exeter.—Pet. f. June 19.

**MAJOR GLUCKSTEIN**, Leeds, Yorkshire, tobaccoconist, July 5 and 26 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. and f. June 12.

**JOSEPH HOLROYD**, Winterton, Lincolnshire, chemist, July 3 and 24 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Nicholson & Co., Brigg; Stamp & Jackson, Hull.—Pet. d. June 13.

**GEORGE MOORHOUSE**, **THOMAS MOORHOUSE**, **WILLIAM MOORHOUSE**, and **ROBERT MOORHOUSE**, Barley and Byerden Mills, near Baruley, Lancashire, cotton manufacturers (carrying on business under the style or firm of George Moorhouse & Co.), July 18 and Aug. 8 at 12, Manchester: Off. Ass. Herniman; Sols. Higson & Robinson, Manchester.—Pet. f. June 20.

**DANIEL BROWNE** and **WILLIAM BROWNE**, Macclesfield, Cheshire, silk manufacturers (trading under the firm of Daniel & William Browne), July 5 and Aug. 1 at 12, Manchester: Off. Ass. Fraser; Sols. Parrott & Co., Macclesfield.—Pet. f. June 19.

**WILLIAM THOMAS**, Llanarchoyedd, Anglesey, draper, July 4 at 12, and July 30 at 11, Liverpool: Off. Ass. Morgan; Sols. J. B. & E. Whitworth, Manchester; Evans & Co., Liverpool.—Pet. f. June 8.

**THOMAS SAMUEL DALTON**, **HENRY DALTON**, and **WILLIAM HEAP**, Manchester, calico printers (trading under the firm of Dalton Brothers), July 17 and Aug. 2 at 12, Manchester: Off. Ass. Pott; Sols. Higson & Robinson, Manchester.—Pet. f. June 20.

**WILLIAM LAIDLER**, Sunderland, Durham, boot manufacturer, July 3 and Aug. 2 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Potts & Scarisbrick, Sunderland.—Pet. f. June 15.

## MEETINGS.

*Richard Kirkman Lane*, Argyll-street, Regent-street, Middlesex, and Union-crescent, Wandsworth-road, Surrey, billbroker, July 1 at half-past 12, London, ch. ass.—*F. Sanderson*, Dublin, Ireland, and Tottenham-street, Fitzroy-square, Middlesex, coachmaker, July 3 at half-past 1, London, last ex.—*Wm. Clark the younger*, Southwark-bridge-road, and Rockingham-row, New Kent-road, Surrey, timber merchant, July 3 at 1, London, last ex.—*L. Cooke and M. Cooke*, Mooraleys Banks, Durham, paper manufacturers, July 4 at 11, Newcastle-upon-Tyne, last ex.—*William Thomas Hemming*, Old Broad-street, City, billbroker, July 11 at 2, London, aud. ac.—*Thomas Machin*, Peterborough, contractor, July 4 at 11, London, aud. ac.—*Joseph Walter Day Lockwood*, Crown-court, Threadneedle-street, City, stockbroker, July 4 at 11, London, aud. ac.—*Charles Nicholson*, *Edmond Pascall*, and *William Stone*, Cannon-street West, City, warehousemen, July 1 at 11, London, aud. ac. joint est., and aud. ac. sep. ests. of *Charles Nicholson* and *William Stone*.—*William Thomas*, Stantarnam, Monmouthshire, innkeeper, July 4 at 11, Bristol, aud. ac.—*William Daniel*, Penydarven, near Merthyr Tydvil, Glamorganshire, innkeeper, July 4 at 11, Bristol, aud. ac.—*Ann Cox*, Bristol, publican, July 4 at 11, Bristol, aud. ac.—*James Perrott*, Cheddar, Somersetshire, draper, July 11 at 11, Bristol, aud. ac.—*Nicholas Andrews* and *Thomas Andrews*, Gateshead, Durham, ironmongers, July 4 at 1, Newcastle-upon-Tyne, aud. ac. sep. est. of *Nicholas Andrews*.—*Robert James Brown*, Sunderland, Durham, timber merchant, July 4 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Jas. Bolton Robertson*, South Shields, Durham, draper, July 2 at half-past 12, Newcastle-upon-Tyne, aud. ac.—*John Scott the younger* and *Richard Woodward Powell*, Liverpool, tea merchants, July 10 at 11, Liverpool, aud. ac.; July 17 at 11, div.—*Wm. Scotson*, Liverpool, car proprietor, July 4 at 11, Liverpool, aud. ac.; July 15 at 11, div.—*Wm. Fowler* and *Thomas Sanderson*, Liverpool, shipbrokers, July 4 at 11, Liverpool, aud. ac.; July 15 at 11, div.—*Thos. Theophilus Tyzack*, Liverpool and Bootle-cum-Linacre, Lancashire, flour dealer, July 4 at 11, Liverpool, aud. ac.; July 15 at 11, div.—*Wm. M'Leod*, Kingston-upon-Hull, joiner, July 10 at 12, Kingston-upon-Hull, aud. ac.—*Samuel Gooseman*, Great Grimsby, Lincolnshire, innkeeper, July 10 at 12, Kingston-upon-Hull, aud. ac.—*Geo. Seaton*, Kingston-upon-Hull, currier, July 10 at 12, Kingston-upon-Hull, aud. ac.—*Simcon Coleman*, Kingston-upon-Hull, tailor, July 10 at 12, Kingston-upon-Hull, aud. ac.—*John Muir*, Kingston-upon-Hull, draper, July 10 at 12, Kingston-upon-Hull, aud. ac.—*Wm. Monday*, Kingston-upon-Hull, coal merchant, July 10 at 12, Kingston-upon-Hull, aud. ac.—*Henry Weatherill*, Kingston-upon-Hull, coachbuilder, July 10 at 12, Kingston-upon-Hull, aud. ac.—*John Ward Clappison*, Kingston-upon-Hull, jeweller, July 10 at 12, Kingston-upon-Hull, aud. ac.—*Frederic Garfit*, Brigg and Scawby, Lincolnshire, scrivener, July 10 at 12, Kingston-upon-Hull, aud. ac.—*John Cobb*, Great Yarmouth, Norfolk, currier, July 13 at 11, London, div.—*Thos. Shilton* and *Edward Key*, Holbeach, Lincolnshire, scriveners, July 18 at half-past 10, Nottingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Eaton*, Attleborough, Norfolk, auctioneer, July 13 at half-past 11, London.—*Lewis Alpha Lewis*, Fleet-street, City, bookseller, July 18 at half-past 1, London.—*Alfred Aubert* and *Champney Powell*, St. Mary-axe, City, insurance

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THE JURIST.

LONDON, JUNE 29, 1861.

A VALUABLE addition to the law of this country has just been made by the Legislature in the stat. 24 Vict. c. 11, intituled "An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions." Before, however, proceeding to state its provisions, it will be useful to advert to the previous state of the law, and the evils which that statute, and the 22 & 23 Vict. c. 63, intituled "An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof," of which it is a great extension, were designed to remedy.

It has ever been an established principle of law, that courts of justice do not take judicial cognisance of the laws of foreign countries—whenever the existence of such comes in question before a court, it must be proved as a fact. And this is not peculiar to the English law, for it may be looked on as a maxim of general jurisprudence. (See Heinec. ad Pand., pars. 4, § 119; Id., para. 1, § 103; Story's Conf. Laws, § 637, 5th ed.) But how is such a fact to be proved? The obvious and usual mode was by the testimony of wit-

nesses skilled in the law of the country in question. Whether a witness offered for this purpose stood in a position to entitle him to give evidence on the subject as an expert was of course a question to be decided by the court or judge, and several reported cases shew that this was occasionally a matter of some nicety.

The inconvenience, and often the inefficiency, of this kind of evidence are well known to every practical lawyer. Partly owing to the uncertain character of the subjects to which they depose, partly owing to the circumstance that it is almost impossible to indict for perjury a man who only swears to his belief, testimony of the loosest and most dangerous kind is daily given in courts of justice by almost every species of experts—medical men, surveyors, &c. The testimony of lawyers as experts is less frequently required, but when it is, great conflict of opinion is often to be found among the witnesses. On questions relating to the law of France in particular, the most discordant opinions of eminent jurists and practitioners from that country are not unfrequently adduced in our courts—a fact which inevitably leads to one of these inferences—either that a loose standard of morality exists among the learned of that country; or, what we believe far more likely, that the law of France is in a very unsettled state upon many important matters—a conclusion much at variance with the favourite, though most erroneous, notion of

many at the present day, that the Codes Napoléon have succeeded in expelling all doubts from French jurisprudence, and reduced the whole law of that country to a small volume, which every person, lawyer or layman, can carry in his pocket, and interpret for himself. And, whatever may be said of the evil resulting from courts of justice being compelled to resort to the testimony of experts to prove the laws of countries which are "foreign" in the proper sense of the word, it almost amounts to absurdity in the case of countries which are foreign in a technical sense only—i. e. those which, though governed by different laws from England, are still under the dominion of the British Crown, such as Scotland and the like.

To provide some remedy for these evils the two statutes to which we have alluded were passed. The 1st section of the former (the 22 & 23 Vict. c. 63) enables the courts in one part of her Majesty's dominions to remit a case for the opinion in law of a superior court in any other part thereof. By sect. 3, when a certified copy of the opinion is obtained, either party to the action may move the court to apply that opinion, "and the said court shall thereupon apply such opinion to such facts in the same manner as if the same had been pronounced by such court itself upon a case reserved for the opinion of the court, or upon special verdict of a jury; or the said last-mentioned court shall, if it think fit, when the said opinion has been obtained before trial, order such opinion to be submitted to the jury with the other facts of the case, as evidence, or *conclusive evidence*, as the court may think fit, of the foreign law therein stated, and the said opinion shall be so submitted to the jury."

This statute, it is obvious, went only a small part of the way towards remedying the mischief. But it has been more effectually attacked by the second—stat. 24 Vict. c. 11. The 1st section enables any of the superior courts within her Majesty's dominions to remit a case, with queries, to a court of any foreign state or country with which her Majesty may have made a convention for that purpose, for ascertainment of the law of such state. By sect. 2, when a certified copy of the opinion is obtained, either party may move the court to apply that opinion; "and the said court shall thereupon, if it shall see fit, apply such opinion to such facts, in the same manner as if the same had been pronounced by such court itself upon a case reserved for the opinion of the court, or upon special verdict of a jury; or the said last-mentioned court shall, if it think fit, when the same opinion has been obtained before trial, order such opinion to be submitted to the jury, with the other facts of the case, as *conclusive evidence* of the foreign law therein stated, and the said opinion shall be so submitted to the jury: provided always, that if, after having obtained such certified copy, the court shall not be satisfied that the facts had been properly understood by the foreign court to which the case was remitted, or shall on any ground whatsoever be doubtful whether the opinion so certified does correctly represent the foreign law as regards the facts to which it is to be applied, it shall be lawful for such court to remit the said case, either with or without alterations or amendments, to the

same or to any other such superior court in such foreign state as aforesaid, and so from time to time as may be necessary or expedient."

There is another important provision in this statute, namely, that the courts in her Majesty's dominions may pronounce an opinion on a case remitted to them by a foreign court.

It is worthy of observation that the enactments in both these statutes only provide for the case where an action is pending, and do not (as it should seem) extend to the case of impeachment, indictment, criminal information, or information for penalties. No doubt in such cases there is less necessity for them, and the nature of the proceedings in criminal cases might render their application somewhat more difficult. Still the exclusion is not quite satisfactory; but then "*nihil simul inventum est et perfectum*."

There is one remarkable discrepancy between these statutes. According to the 22 & 23 Vict. c. 63, the opinion returned by the tribunal to which the question is sent is rendered "evidence, or conclusive evidence, as the court may think fit;" according to the 24 Vict. c. 11, it is to be "conclusive" evidence. The first act certainly went a great way, in leaving it to the court instead of the jury to determine whether evidence is conclusive or not; but the alteration in the second act, directing that it shall be "conclusive," is not an improvement. Where the case of a litigant party depends on a question of foreign law, it is rather strong to permit the court, *ex mero motu*, without, or perhaps even against, his consent, to ask the opinion of a foreign tribunal on the question, take that opinion as conclusive, and deprive the party of all right to encounter it by independent evidence. Such legislation savours not a little of what is commonly called "red tapism."

Notwithstanding these and other objections, however, the above enactments are undoubtedly improvements in the law.

#### DEATH OF THE LORD CHANCELLOR.

WE have to record the decease of the Lord High Chancellor, John Lord Campbell, which took place very suddenly on the morning of Sunday, the 23rd June. His Lordship presided in the House of Lords on Friday, the 21st instant. The next day he sat in the Court of Chancery, attended a Cabinet Council, entertained some friends at dinner, and retired at about eleven P. M., apparently in perfect health; but about eight the next morning was found dead, sitting in his chair, under circumstances clearly shewing that he must have died instantaneously, and without pain. The age of the deceased is variously stated, some fixing it at seventy-seven, others at seventy-nine, others at eighty-two, and some at eighty-four. In the House of Lords on Monday evening Lord Redesdale, the Deputy Speaker of the House, having taken the chair, Lord Granville, after stating that he believed the case was without precedent, moved the adjournment of the House, which was agreed to unanimously; after the noble lord, as well as Lords Brougham and St. Leonards, had paid a proper tribute to the memory of the deceased.

The life of the late Lord Chancellor is a very remarkable one, and has already been commented on in the public journals. We do not propose to go into the history of his life at present, and will conclude with the following extract from *The Standard* of the 25th June, which calls it—"A lasting example to all Englishmen,

that with no genius, only ordinary mental capacity, and few attractive qualities" (our contemporary might have added, "struggling against the disadvantages of having received his education out of England, and of a provincial accent"), "a man of good physical constitution and steady industry, employing tact and sagacity, and always aiming at a high mark, may rise to the very highest position in our free country."

The Attorney-General, Sir Richard Bethell, Q. C., M. P., has succeeded Lord Campbell as Lord Chancellor. The successor to the Attorney-General has not yet been named.

### Correspondence.

#### BUCKLEY v. HOWELL.

TO THE EDITOR OF "THE JURIST."

SIR,—Notwithstanding the opinion expressed in the article in your last number (ante, p. 235), I venture to think that the question, whether mines and surface may be disposed of separately by trustees for sale, is not finally disposed of by the above-mentioned case.

Let us examine the matter apart from any consideration of the interests of the beneficial tenant for life, which (as it appears to me) have been allowed to confine it a little.

The true question is, not whether the tenant for life may or may not derive some incidental advantage from the exercise of the power in a particular manner, but whether we may or may not reasonably suppose that the settlor intended to authorise such an exercise of it. The Master of the Rolls says in his judgment that he can see no difference between the cases of minerals and of timber—that in principle they are the same. But, with all deference, I would submit that there is this very essential difference between the two cases—that to sell land, reserving the timber, is an altogether unusual and obviously inconvenient plan; while to sever the minerals from the surface, and deal with them separately, is an ordinary, and often a convenient and profitable, plan; and this being so, I confess it appears to me as probable that a settlor, when authorising a sale of the whole or any part or parts of his property, meant to sanction the sale of the surface to one purchaser and the minerals to another, as that he meant to sanction the sale of one field to one and of another field to another.

That the tenant for life may, in some cases, obtain an advantage by such a severance, is true; but though, doubtless, this is to be taken into consideration in inquiring as to the settlor's probable intentions, it is not necessarily an objection to the power being exercised in the manner contended for. A tenant for life without impeachment of waste may fell the timber on an estate, and then get it sold, and the money invested in the purchase of another estate, with more timber on it; and, on the other hand, an estate with timber on it may be sold, and an estate with no timber bought; and the answer to objections founded on consequences of this kind is, that the settlor must be supposed to have foreseen those consequences, and that he nevertheless created the estate for life without impeachment of waste, and the trust for sale; and if the trustees unduly and collusively favour the tenant for life, it cannot be doubted that the remaindermen have a remedy against them in equity. Beet, C. J., appears to have put the decision as to timber, in *Cholmeley v. Paxton*, on the true ground, when he said (in the passage quoted by the Master of the Rolls) that to sell the land without the timber would be "a cause of confusion and litigation, which could not fail to be injurious to both the vendor and vendee." But this is a reason which does not apply to a sale of the surface without

the minerals. On the whole, therefore, it must, I submit, be concluded, that though the decision of the learned judge in *Buckley v. Howell* may be right, yet (so far, at least, as it is founded on the previous cases relating to timber) it is founded on a mistaken analogy.

\*M. B.

June 21, 1861.

### Rebuts.

*A Letter to the Right Hon. Sir G. C. Lewis, Bart., Secretary of State for the Home Department, on the Present State of the Criminal Law.* By WM. RIBTON, A.B., T.C.D., of Lincoln's-inn, Barrister-at-Law.

[Shaw & Sons. 1861.]

MR. M'MAHON in the last session of Parliament, and Mr. Butt in the present, respectively introduced bills into the House of Commons for allowing a new trial in criminal cases. These bills were rejected. During the debate on the latter, Sir G. C. Lewis, the Secretary of State for the Home Department, opposed the bill, and in the course of his speech asked, in defence of the present system, whether it could be asserted that innocent men are often convicted under it. This question seems to have rather provoked the ire of Mr. Ribton, and induced him to address the present Letter to the Home Secretary, some extracts from which we shall proceed to lay before our readers. At pp. 3 to 5, Mr. Ribton states his object thus:—

"Before I close this Letter I will take the liberty of answering the question. For the present, give me leave to draw your attention to what, a priori, are the anomalies and evils of the present mode of administering the criminal law, and what are the remedies by which those evils, or at least some of them, might be removed.

"I will not now enter into the inquiry as to whether there ought to be a power of moving for a new trial on matters of fact in all criminal cases. That is a large question, and into which, for the purposes of the present inquiry, it is not necessary for me to enter. I will confine myself to a subordinate branch of the subject, and endeavour to point out a mode by which, in the simplest possible manner, a change of a very desirable kind might be effected that would be productive of great public good, by rendering improper convictions less probable than they are at present.

"The act 11 & 12 Vict. c. 78, which established a court for the consideration of Crown cases reserved, has been neutralised to a very great extent by the very unwise provision which leaves the reservation of a point of law solely at the discretion of the presiding judge.

"It is hardly necessary, I trust, that I should guard myself against being understood to apply any of the remarks which I am about to make to the judges of the superior courts. Before any of those it is not in vain that one objects to evidence that is legally inadmissible, or asks for a case to be reserved if there is anything in the point at all worthy of further and fuller consideration. Wherever any one of those learned magistrates presides, a feeling of trust and confidence fills the mind and pervades the court; no desire is manifested to obtain convictions; the counsel, and especially the prosecuting counsel, are kept properly in check; the principles of law and the rules of evidence are respected; and everybody knows and feels that justice is administered with impartiality and independence.

"But, in a numerical point of view, how small is the proportion of criminal cases tried before the superior judges to those which are disposed of before inferior tribunals! And although all the important and serious



cases, as far as regards the magnitude of the offence, are reserved for the assizes, yet a great number of cases of vital consequence to the parties concerned, of vast complication as regards the facts, and involving nice and difficult points of law, are tried at quarter sessions. Of the magistrates I am not at all desirous of saying a word disrespectful, but I must speak of what I know and have seen, and I repeat, that to leave to courts so constituted the final disposal, if they please it, of all matters of legal discussion that may arise, is an enactment so absurd, so mischievous, so unredeemed by a single recommendatory quality—*nulla virtute redemptum*—that it would baffle the most refined ingenuity to assign any satisfactory reason for its existence.” . . . .

“If this difference between things civil and criminal were told to the ignorant inhabitant of another hemisphere or another world he would not believe it. He would suppose that the narrator was either a dreamer or a madman. ‘What!’ he would indignantly exclaim, ‘is a man’s life and character of less value than a 5*l.* note? Are judges, even the wisest, the greatest, and the best, supposed to be liable to error when they have to try some trumpery question of damages, or to decide upon a certificate for costs; and are other inferior judicial functionaries, no matter how obscure or unenlightened, presumed to be invested with a preternatural infallibility when trying cases involving ruin to character and penal servitude for years?’” (p. 10). . . . .

“But, then, are innocent people convicted? Who is there that, with the experience even of the last few years fresh in his recollection, can refrain from answering this in the affirmative? These cases, however, which it is unnecessary to enumerate, were great and important ones, in some of which men’s lives were in danger; and under such circumstances, especially when a great outcry is raised by the public press, I admit that the inquiry at the Home Office does step in most opportunely to prevent an unjust sentence from being carried into effect. But leaving the leviathans, and coming to smaller fry, what an amount of injustice may be done! Before the tribunals to which I am alluding, how many innocent people are convicted, of whom the public know nothing, for whom the Secretary of State cares nothing, and in reference to whom, if an inquiry were demanded, the very stones of the Home Office would shift themselves in their places before a satisfactory investigation could be obtained, unless, perhaps, that investigation were sought for by some very influential person—some one who could write up a government, or some member of Parliament who could make himself very troublesome if he wished!” (p. 11).

The following is Mr. Ribton’s remedy for the evils which he denounces:—

“Make the appeal on all points of law to the courts at Westminster a matter of right, if counsel are willing to undertake the responsibility of it, and lo! all the evils of the present system are removed. Once give the judges at Westminster Hall absolute control over the inferior courts of criminal jurisdiction, and the whole system will be changed.” (p. 16).

And at the same page—

“I do not at all think that the result of the change would be to produce a great crop of questions to be argued before the courts at Westminster. It would do nothing of the sort. It would make those who are now supreme more careful and circumspect. It would make them feel that they were speaking in the presence of the superior judges; that everything they said might be reviewed elsewhere; and that, however desirous they might be to do justice, it would be still more desirable for them to administer it according to

law, and not by the light of their own rude conscientiousness, and trained, but yet undisciplined sagacity.”

It is evident that Mr. Ribton’s mind is deeply imbued with the notion, which with many at the present day has become an axiom, that whatever course of procedure is right and proper in civil is necessarily so in criminal cases. To this axiom we cannot subscribe, for reasons too numerous to enter upon at present; and the House of Commons, by rejecting in a very decided manner both the bills to which we have referred, seems to be of the same opinion. Still, with respect to the immediate subject to which his Letter is confined, Mr. Ribton certainly makes out a fair case for discussion. He avoids, however, dealing with the question, whether it is advisable to subject the prosecutor of every indictment for every offence, however trivial, to the expense of appearing before the court of appeal in London to support the conviction, if one takes place, merely because the counsel for the accused takes on himself the responsibility of asserting that some point of law raised at the trial will bear argument. As to prisoners who are undefended by counsel, their case appears to have been altogether overlooked by Mr. Ribton. Ought they also to have the right of bringing up every case to the court of appeal, if some point of law is raised which they deem arguable? And we are not quite sure that Mr. Ribton has answered the question put by Sir G. C. Lewis. The latter asked, are *innocent* men often convicted? The gist of Mr. Ribton’s pamphlet is to shew that persons who may or may not be guilty are often convicted without due regard being had to the rules of law and evidence. In corroboration of this, witness, among others, the following passage:—

“Just see a little in detail how the system works. Evidence is offered on the part of the prosecution, of the inadmissibility of which no one who knows anything of the rules of evidence can entertain a doubt. The prisoner’s counsel objects. The judge, thinking that there ought to be a conviction—and thinking so, I will fully admit, conscientiously, but at the same time, by so doing, usurping the functions of the jury—does not see exactly how the evidence can be rejected, and admits it. What redress has the prisoner’s counsel? None at all. He may ask the judge to reserve a case; but it is of no avail. He may feel that his client ought upon the evidence to be acquitted, and yet know that the admission of this inadmissible evidence will turn the scale against him; yet he is completely powerless. The act of Parliament makes the judge, whether a man legally educated, or half legally educated, or not legally educated at all, supreme upon the point, and so the dismal scene closes, in undoubtedly, whether he be innocent or guilty, the improper conviction of the accused; and the court retires, after having passed a sentence, probably of penal servitude, congratulating itself upon the tact and skill with which the legal manoeuvring of counsel has been baffled, and justice been enabled to hold on her sublime way, untrammelled by any of those vulgar rules of law or evidence which great judges have sanctioned by their authority as necessary lights to guide us in the sometimes arduous and difficult search after truth,” (p. 6).

**LAW AMENDMENT SOCIETY.**—The annual meeting of this society took place at its rooms, 3, Waterloo-place, on Tuesday, the 18th June, Lord Brougham in the chair, when the annual report was read, and Lord Brougham unanimously re-elected president.

**JURIDICAL SOCIETY.**—The meeting of this body, fixed to take place on Monday, the 24th June, was postponed, in consequence of the sudden decease of the Lord Chancellor, who was president of the society.

brokers, July 13 at 11, London.—*Thomas Williams Home*, Pelham-terrace, Brompton, Middlesex, hotel keeper, July 12 at half-past 12, London.—*John Lake*, Penge, Surrey, builder, July 12 at 12, London.—*Wm. Dudley*, Metropolitan-market, Islington, Middlesex, licensed victualler, July 12 at 1, London.—*Richard Bullamore*, Peterborough, Northamptonshire, baker, July 12 at 11, London.—*Daniel Pilditch*, Oakley-crescent South, Chelsea, Middlesex, builder, July 15 at 1, London.—*Jesse Atwood*, Newington, near Sittingbourne, Kent, licensed victualler, July 10 at 1, London.—*Henry Blake*, Shide, near Newport, Isle of Wight, Hampshire, corn merchant, July 13 at 12, London.—*John Miller*, Chandos-street, Covent-garden, Middlesex, bookseller, July 13 at 1, London.—*Wm. Ballinger*, Swansea, Glamorganshire, maltster, July 16 at 11, Bristol.—*Charles Richard Pettit*, Marlborough, Wiltshire, corn dealer, July 15 at 11, Bristol.—*W. Tommy Lloyd*, Llangunitor, Breconshire, miller, July 16 at 11, Bristol.—*Jas. Bolton Robertson*, South Shields, Durham, draper, July 16 at 12, Newcastle-upon-Tyne.—*George Grimmett*, Birmingham, corn dealer, July 17 at 11, Birmingham.—*Richard Kirby* the younger, Leicester, butcher, July 16 at 11, Nottingham.—*Richard Forskew*, Liverpool, machine manufacturer, July 15 at 12, Liverpool.—*John Woodford*, Upper Broughton, Nottinghamshire, carpenter, July 16 at 11, Nottingham.

To be granted, unless an Appeal be duly entered.

*William Scavine*, Stevenage, Hertfordshire, miller.—*Wm. Berrett*, St. Mary-at-Hill, City, licensed victualler.—*Wm. Alfred Putnam*, New Oxford-street, Middlesex, glass dealer.—*John King*, New Alresford, Southampton, saddler.—*John Routh*, Broad-street-buildings, City, merchant.—*Joseph Jackson*, Brighton, Sussex, hatter.—*James Henry Watts* and *Joseph Watts*, Woolwich, Kent, ironmongers.—*Charles Ormond*, Hemington, Northamptonshire, letter of threshing machines.—*William Limbrey*, Dunstable, Bedfordshire, grocer.—*William Bowen*, Swansea, Glamorganshire, victualler.—*John Williams*, Roath, Glamorganshire, builder.—*Walter Parry*, Brecon, carpenter.—*George Drake*, St. Thomas-the-Apostle, Devonshire, glover.—*Benj. Garfit Bottomley*, Devonport, Devonshire, ironmonger.—*John Robinson*, Liverpool, plumber.—*John Manley*, Liverpool, baker.—*Gordon Gilchrist M'Kay*, Liverpool, ship's store dealer.—*William Scotson*, Liverpool, car proprietor.—*John Whittaker*, Wrexham, Denbighshire, victualler.—*William Buxton*, Liverpool, butcher.—*Alexander M'Millan* and *William Blackburn*, Star-court, Bread-street, Cheapside, City, woollen warehousemen.—*Jonathan Hamncorth*, Halifax, Yorkshire, plumber.—*John Craven*, Birstal, Yorkshire, stuff manufacturer.—*Anthony Burton*, Sheffield, Yorkshire, grocer.—*William Riley*, Ilkeston, Derbyshire, butcher.—*William Freeman*, Belper, Derbyshire, builder.—*Terence Fitzpatrick*, Newark-upon-Trent, Nottinghamshire, and *Bernard Fitzpatrick*, Nottingham, travelling drapers.

PETITION ANNULLED.

*Joseph Holroyd*, Winterton, Lincolnshire, chemist.

SCOTCH SEQUESTRATIONS.

*William Petrie Shaw*, Dundee, merchant.—*Yuil & Son*, Glasgow, power-loom cloth manufacturers.—*Alex. Ritchie*, Glasgow, accountant.—*Richard Hall Brown*, Rutherglen, ironmonger.—*William Jardine*, Glasgow, slater.—*William Smith*, Glamis, miller.

TUESDAY, June 25.

BANKRUPTS.

**HENRY EDWIN SPARK**, Oxford-street, Middlesex, carver, July 8 at 12, and Aug. 6 at 11, London: Off. Ass. Johnson; Sol. Lay, 44, Poultry.—Pet. f. June 24.  
**JOSEPH PETFORD**, Ferdinand-place, Hampstead-road, Middlesex, smith, July 5 and Aug. 9 at 11, London: Off. Ass. Cannan; Sol. Lloyd, 1, Wood-street, Cheapside.—Pet. f. June 22.  
**CHARLES ASHFIELD**, Hammersmith, Middlesex, shoe manufacturer, July 5 and Aug. 9 at 12, London: Off. Ass. Cannan; Sols. Sidney & Co., & Barnard's-inn, Holborn.—Pet. f. June 22.  
**JAMES HAYDAY**, Little Queen-street, Lincoln's-inn-fields, Middlesex, bookbinder, July 6 at 1, and Aug. 5 at half-past 11, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. June 10.

**GEORGE WILLIAM SEAGER**, High-street, Newington Butts, Surrey, licensed victualler, July 9 at half-past 2, and Aug. 13 at 1, London: Off. Ass. Edwards; Sols. Shaen & Grant, Kennington-cross, Surrey.—Pet. f. June 22.

**WILLIAM PARKE ANDREW**, Crutched-friars, City, wine merchant (trading under the style or firm of Andrew & Co.), July 6 at half-past 12, and Aug. 6 at 2, London: Off. Ass. Edwards; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. June 24.

**SAMUEL KINSMAN**, Pools, printer and publisher (trading with Thomas James Hankinson, under the firm of Kinsman & Hankinson), July 6 at 1, and Aug. 6 at half-past 2, London: Off. Ass. Edwards; Sols. Harris, Bristol; Meredith & Lucas, 8, Lincoln's-inn, London.—Pet. f. June 24.

**FRANCIS LANG BROOKING** the younger, Totnes, Devonshire, grocer, July 10 and 31 at 12, Exeter: Off. Ass. Hirtzel; Sol. Willesford, Exeter.—Pet. f. June 24.

**THOMAS PYLE** and **ROBERT PYLE**, Durham, grocers, (carrying on business under the style or firm of Thomas & Robert Pyle), July 4 and Aug. 15 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Smith, Durham; J. & R. S. Watson, Newcastle-upon-Tyne.—Pet. f. June 21.

MEETINGS.

*George Groom*, Aldermanbury, City, lithographic printer, July 9 at 11, London, and ac.—*Edwin Phillips*, Pontypool, Monmouthshire, shoemaker, July 11 at 11, Bristol, and ac.—*G. Moore*, Perry Bar, Staffordshire, market gardener, July 19 at 11, Birmingham, and ac.—*Charles Jones* the younger, Margaret-street, Cavendish-square, and Great Castle-street, Regent-street, Middlesex, coach builder, July 17 at 12, London, div.—*Charles Botten*, Crawford-passage, Clerkenwell, Middlesex, brassfounder, July 17 at half-past 12, London, fin. div.—*Thomas Innocent*, Bedford-street, Covent-garden, Middlesex, grocer, July 17 at 1, London, div.—*George Robson*, Handsworth, Staffordshire, saddler, July 15 at 11, Birmingham, div.—*Henry Haywood*, Coventry, Warwickshire, ribbon manufacturer, July 15 at 11, Birmingham, and ac.—*F. Baker*, Wednesbury, Staffordshire, draper, July 19 at 11, Birmingham, div.—*Henry Thomas Tidmarsh*, Stratford-upon-Avon, Warwickshire, draper, July 19 at 11, Birmingham, div.—*Buxton Kenrick*, Frampton, Lincolnshire, shipowner, July 18 at 11, Nottingham, div.—*J. Fowler*, Whitehaven, Cumberland, stockbroker, July 23 at half-past 12, Newcastle-upon-Tyne, first and fin. div.—*William Bell*, Urpeth Mill, near Chester-le-street, Durham, miller, July 23 at 12, Newcastle-upon-Tyne, fin. div.

CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Henry Freeman*, Leadenhall-street, City, merchant, July 16 at half-past 12, London.—*John Smith*, *Patrick O'Neill*, and *Henry Dace Leaman*, Russia-row, Milk-street, City, warehousemen, July 17 at 1, London.—*Benjamin Joseph Warton*, Endell-street, Long-acre, Middlesex, carver, July 17 at half-past 12, London.—*Samuel Wm. Potter Steward*, Fordham, Cambridgeshire, farmer, July 17 at half-past 11, London.—*George Pearson*, Manchester, machine maker, July 19 at 12, Manchester.—*Francis Taylor*, Cradley Heath, Rowley Regis, Staffordshire, grocer, July 19 at 11, Birmingham.—*Samuel Harvey*, Birmingham, gold and silver chain manufacturer, July 19 at 11, Birmingham.—*Robert Oerbury*, Henley in Arden, Warwickshire, hotel keeper, July 22 at 11, Birmingham.—*L. Simon*, Nottingham, manufacturer, July 16 at 11, Nottingham.—*George H. Kirkpatrick*, Liverpool, draper, July 17 at 1, Liverpool.—*James Graham*, Liverpool, blue manufacturer, July 17 at 12, Liverpool.—*Alfred Nixon*, Liverpool, merchant, July 17 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

*Louis Beghin*, St. Mary-at-Hill, City, merchant.—*Thomas W. Pringle*, Blyth, Nottinghamshire, draper.—*C. Powell*, Dartford, Kent, grocer.—*Wm. P. Poat*, Portsmouth, Southampton, draper.—*Richard Knight Boorman*, Malden, Kent, cattle dealer.—*Albert Lee Ward*, Fenchurch-street, City, shipbroker.—*Robert C. Steven*, West Hartlepool, Durham, grocer.—*Thomas Savage*, Macclesfield, Cheshire, smallware dealer.—*John S. Whittaker*, Great Grimsby, Lincolnshire, cooper.—*Thomas Hughes*, Walsall, Staffordshire, licensed victualler.

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*John Lock*, Barnsbury-grove, Islington, Middlesex, builder.

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JOHN CLAYTON, } Joint Secs.  
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The Right Hon. Lord Chelmsford.  
The Right Hon. Lord Truro.  
The Right Hon. the Lord Chief Baron.  
The Right Hon. the Lord Justice Sir J. L. Knight Bruce.  
The Right Hon. the Lord Justice Sir G. J. Turner.  
The Right Hon. John Robert Mowbray, M.P.  
William Brougham, Esq.

Insurances expiring at Midsummer should be renewed within fifteen days thereafter, at the Offices of the Society, or with any of its Agents throughout the country.

This Society holds itself responsible under its Fire Policy for any damage done by explosion of gas. E. BLAKE BEAL, Secretary.

## GAZETTES.—FRIDAY, June 28.

## BANKRUPTS.

**RICHARD HOOKE**, Shoe-lane, City, baker, July 11 and Aug. 15 at 1, London: Off. Ass. Johnson; Sol. Vining, 2, Moorgate-street, City.—Pet. f. June 26.

**GEORGE JONES**, Camden House, Holloway-road, Islington, Middlesex, jeweller, July 11 at 11, and Aug. 8 at 12, London: Off. Ass. Johnson; Sols. Grover & Coare, 4, King's Bench-walk, Temple.—Pet. f. June 24.

**WILLIAM RAYNER**, Wellington-street, Southwark, Surrey, billbroker, July 11 at half-past 1, and Aug. 15 at 12, London: Off. Ass. Bell; Sol. Lindus, 35, Bedford-row.—Pet. f. June 26.

**THOMAS GERMAIN**, Gracechurch-st., City, Italian warehouseman, July 11 at half-past 12, and Aug. 9 at 1, London: Off. Ass. Whitmore; Sol. May, 67, Russell-square.—Pet. f. June 27.

**JOHN JOSEPH ROSS**, Duke-street, Manchester-square, Middlesex, carver in wood, July 11 at 11, and Aug. 9 at 2, London: Off. Ass. Whitmore; Sols. Harrison & Lewis, 6, Old Jewry.—Pet. f. June 26.

**DAVID KIRKBY MAWER**, Fetter-lane, City, licensed victualler, July 11 at half-past 11, and Aug. 9 at half-past 1, London: Off. Ass. Whitmore; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. June 26.

**WILLIAM HENRY TRASH**, Parade, Harleyford-road, Kennington, and Upper Kennington-lane, Surrey, ale and porter merchant, July 11 at 12, and Aug. 9 at half-past 11, London: Off. Ass. Cannan; Sol. Bickley, 32, King William-street, City.—Pet. f. June 26.

**JOHN PARKIN and EDWIN PARKIN**, Oughtybridge, near Sheffield, Yorkshire, iron forgers, (trading under the firm of John Parkin & Brothers), July 6 and Aug. 3 at 10, Sheffield: Off. Ass. Brewin; Sols. Evans, Ashton-under-Lyne; Bramley & Gainsford, Sheffield.—Pet. d. and f. June 21.

**JOSEPH CROSHAM HARRIS**, Liverpool, licensed victualler, July 10 and 30 at 12, Liverpool: Off. Ass. Bird; Sols. Atkinson & Bartlett, Liverpool.—Pet. adj. June 24.

## MEETINGS.

**William Ticeadie**, Liverpool, colourman, July 10 at 12, Liverpool, pr. d.—**Simon Jonas Rosenthal and Henry Simon Rosenthal**, Liverpool, billiard-table proprietors, July 10 at 12, Liverpool, pr. d.—**Sir Charles Fox and John Henderson**, Smethwick, Staffordshire; New-street, Spring-gardens, Westminster, and Fore-street, Limehouse, Middlesex, engineers, July 9 at 11, Birmingham, pr. d.—**Edwin Botting**, Brighton, Sussex, grocer, July 10 at 12, London, last ex.—**William Balshaw**, Bolton, cotton manufacturer, and Wigan, Lancashire, banker's clerk, July 31 at 12, Manchester, last ex.—**Benjamin Carman and Robert Baily**, Harwich, Essex, cabinet makers, July 10 at half-past 1, London, aud. ac.—**George Wall**, Canterbury, Kent, common brewer, July 12 at 2, London, aud. ac.—**William Reynolds Hayne**, Devonshire-terrace, Camden-road, Middlesex, apothecary, July 12 at half-past 1, London, aud. ac.—**Lucinda Tallis**, widow, Warwick-square, City, and Chadwell-street, Pentonville, Middlesex, bookseller, July 9 at 11, London, aud. ac.—**John Argent**, Fleet-street, City, innkeeper, July 12 at half-past 2, London, aud. ac.—**John Frederic Ruffe**, Coleman-street, City, bill discounter, July 9 at 1, London, aud. ac.—**George Royce**, Duddington, Northamptonshire, miller, July 9 at half-past 12, London, aud. ac.—**Edward Richards Sherren**, Richmond-villas, Westbourne-grove North, Bayswater, Middlesex, builder, July 9 at 2, London, aud. ac.—**Daniel Jones**, Wrexham, Denbighshire, ironmonger, July 12 at 11, Liverpool, aud. ac.; July 24 at 11, div.—**Thomas Harris**, Cardiff, Glamorganshire, cabinet maker, July 26 at 11, Bristol, aud. ac.—**John Lord**, Birmingham, commission agent, July 15 at 11, Birmingham, aud. ac.; July 22 at 11, div.—**J. Taylor**, Hollinwood, near Oldham, and Manchester, rope manufacturer, July 26 at 12, Manchester, aud. ac.; Aug. 2 at 12, fin. div.—**Isaac French**, Manchester, cheese factor, July 26 at 12, Manchester, aud. ac.; July 31 at 12, div.—**William Bryant**, Oxford-st., Middlesex, tailor, July 20 at 11, London, fin. div.—**J. Richard Andrews**, Hanover-place, Park-road, Regent's-park, Middlesex, ironmonger, July 20 at half-past 11, London, div.—**Henry Notley**, Fieldgate-

street, Whitechapel, Middlesex, hotel keeper, July 20 at half-past 12, London, div.—**Andrew R. Eley**, Chiswell-street, Middlesex, upholsterer, July 20 at 12, London, div.—**Joseph Hooper**, New Weston-street, Bermondsey, Surrey, leather merchant, July 19 at 2, London, div.—**Robert Scott and W. T. Scott**, Southampton, tailors, July 20 at half-past 11, London, div.—**Wm. Bound** the elder, Poole and Corfe Mullen, Dorsetshire, farmer, July 19 at half-past 1, London, div.—**Henry Bateman**, Old Broad-street, timber merchant, and of Lloyd's, City, underwriter, July 19 at 12, London, div.—**T. Colley**, Princess-street, Westminster, Middlesex, grocer, July 19 at 1, London, div.—**Robert Oxley**, Chippenham, Wiltshire, maltster, July 26 at 11, Bristol, div.—**Frederick Chas. Perry**, Roughwood Colliery and Ryecroft Colliery, near Walsall, and Halffields Furnaces, near Bilston, Staffordshire, and Stockport, Cheshire, ironmaster, July 22 at 11, Birmingham, div.—**Edmund A. Acton**, Manchester, general commission agent, Aug. 1 at 12, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**George Todd** the younger, Cheyne-walk, Chelsea, Middlesex, builder, July 22 at 12, London.—**George Peffani**, Minories, City, sailmaker, July 20 at 12, London.—**J. Calverley**, Portsdown-road, Maida Vale, Middlesex, builder, July 19 at half-past 1, London.—**George Elliott**, Farnham, Surrey, blacksmith, July 20 at 11, London.—**John Phoby**, Bradenel-place, New North-road, Shoreditch, Middlesex, dealer in hams, July 20 at 11, London.—**Wm. Craft**, Maidstone, Kent, baker, July 19 at half-past 11, London.—**Abraham Harris**, Railway-place, Shoreditch, Middlesex, tobacconist, July 19 at half-past 12, London.—**P. H. Payne**, Easton-road, Middlesex, leather merchant, July 19 at 11, London.—**George Penrose**, Vale of Neath, Glamorganshire, coke merchant, July 30 at 11, Bristol.—**Edward Harding**, Liverpool, draper, July 22 at 11, Liverpool.—**George Burrows**, Nottingham, lace manufacturer, July 30 at half-past 11, Nottingham.—**George Simons**, Leicester, manufacturer of fancy hosiery, July 30 at half-past 11, Nottingham.—**John Hickson**, Sheffield, Yorkshire, builder, July 20 at 10, Sheffield.—**John Treweek**, Sheffield, Yorkshire, boot maker, July 20 at 10, Sheffield.—**Samuel Shepley**, Chesterfield, Derbyshire, chemist, July 20 at 10, Leeds.—**Wm. Blagg**, Bakewell, Derbyshire, baker, July 20 at 10, Sheffield.

*To be granted, unless an Appeal be duly entered.*

**Fred. William Thomas**, Water-lane, Great Tower-street, City, commission agent.—**John G. Shipley**, Regent-street, Middlesex, saddler.—**Matthew Shield**, Great Queen-street, Westminster, Middlesex, shipowner.—**Henry Horton**, Fenchurch-street, City, merchant.—**John Cobb**, Great Yarmouth, Norfolk, currier.—**Benjamin H. Nichols**, Wilbarston, Northamptonshire, innkeeper.—**John Piper**, Clarendon-street, Pimlico, Middlesex, wine merchant.—**Isaac Levitt and Morris T. Levitt**, Minories, Middlesex, chronometer manufacturers.—**Edmund J. Niemann**, Newman-street, Oxford-street, Middlesex, picture dealer.—**Robt. Oxley**, Chippenham, Wiltshire, maltster.—**William Brown**, Marlborough, Wiltshire, butcher.—**Alfred Wilson**, High-street, Kennington, Middlesex, draper.—**Chas. Eaton** the younger, Manchester, leather factor.—**Wm. Fairbridge** the younger, Redcar, Yorkshire, butcher.—**Wm. Fairbridge**, Coatham, Yorkshire, butcher.

## PETITION ANNULLED.

**James Lund Copeland**, Liverpool, merchant.

## PARTNERSHIPS DISSOLVED.

**John Carlon and Joseph Haynes**, St. James's-street, Middlesex, attorneys and solicitors.—**Henry Gillard and William Land Flook**, Bristol, attorneys, solicitors, and conveyancers.

## TUESDAY, July 2.

## BANKRUPTS.

**JOHN GEARNS and FREDERICK AUGUSTUS TARRANT**, Bucklersbury, City, auctioneers (trading under the firm of Gearns & Tarrant), July 12 at 1, and Aug. 17 at 12, London: Off. Ass. Johnson; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. June 26.

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## THE JURIST.

LONDON, JULY 6, 1861.

THE promotion of Sir Richard Bethell, our late Attorney-General (now Lord Westbury), to the woolsack, has not only met with the universal approbation of the legal profession, but it will, we are assured, lead to most important results in the real and substantial amendment of the law.

Of late years it seems to have been thought that any lawyer of eminence at the common-law bar, however unversed either in the principles or details of equity jurisprudence, might safely, if not creditably, hold the Great Seals. Since the time of Lord Eldon they have accordingly been given to men, some of whom took their seats on the woolsack not only to administer, but actually to learn, equity. The constitution of the Court of Appeal in Chancery, whereby the Lords Justices may, when it is thought fit, sit with the Lord Chancellor, and, when they do not sit with him, may hear all those appeals which former Chancellors disposed of unassisted and alone, has to a great degree lightened the judicial duties of the Lord Chancellor, and at the same time has put it more in the power of those politicians with whom the appointment of Lord Chancellors in reality rests, whenever it may suit their own purposes or interests, family or parliamentary, to entrust the highest judicial post in the realm to the person who is by no means the most competent to fill it, either with honour to himself or with satisfaction to the public.

The evils arising from such appointments are manifold. A common lawyer, when appointed Chancellor, if an indolent man, however able in other respects he may be, is rather apt to affirm, than to examine and re-

verse, cases brought before him by way of appeal; if, on the other hand, he is industrious and laborious, the time he consumes in attempting completely to master each case, and the authorities applicable to it, is so much time subtracted from the other and more important duties of his office.

It is, moreover, a pitiable spectacle to see the first magistrate a novice in his occupation—slowly learning from counsel, arguing before him, the law he is called upon to administer—not exhibiting the mind of a master, but appearing in the position of a pupil even to the least enlightened of the audience in his court.

The late Lord Chancellor, Lord Campbell (of whom we would always wish to speak with the greatest respect), when he accepted the Great Seals, was not altogether unacquainted with equity jurisprudence; he was always diligent in his attendance upon the appeals in the House of Lords, and doubtless, ever aiming at the highest place, he had not neglected, during that leisure which the absence of official duties for a long period afforded him, to qualify himself, as far as possible, for the tenure of the woolsack. But reaching the object of his ambition at an age when most men think of retiring from the active duties of the world, we think that when the life of the noble lord is written by an impartial biographer, it will be confessed that his fame as a judge depends upon his judgments as Chief Justice of England, rather than upon his decisions as Lord High Chancellor of Great Britain. His judgments as Lord Chief Justice are models for their learning, perspicuity, and sound common sense; his decisions in Chancery, though better by far than might have been expected from his former pursuits, will not raise him as a Chancery judge to the level even of "modern Vice-Chancellors."

One of the greatest mistakes ever made by Lord



Campbell (except, perhaps, in becoming Lord Chancellor of Ireland) was, we think, his quitting the office of Lord Chief Justice of England (in fulfilling the duties of which he was second to none of his illustrious predecessors) for the office of Lord Chancellor of Great Britain, when not even his warmest friends and admirers could venture to say that he was, as an equity judge, equal to the place.

The appointment of the present Lord Chancellor is doubtless one of which it may be said that the right man has been put in the right place; and we trust that in future no person conversant only with the principles and practice of the common law will be raised to the woolsack from mere motives of political expediency, or as a reward for services to any political party, however long or faithful they may have been.

Lord Westbury takes his seat as Lord Chancellor with advantages which few of his predecessors since the time of Lord Eldon have enjoyed: he is perfectly familiar with the principles and procedure of equity jurisprudence, and his judicial duties, important as they are, will be, comparatively speaking, a light burthen to one with his quick apprehension and great professional acquirements. He will, therefore, have so much more time to devote to what we must venture to call the most important duty attached to his office—a complete and systematic attempt to reform the law.

What there should be done as to the amendment of our laws has been well pointed out by Lord Bacon<sup>o</sup>; and if it was necessary in the time of James I, how much more necessary is it in the reign of Queen Victoria? If Lord Bacon thought it expedient to recommend a digest of the decisions and a consolidation of the statute law in his time, how much more so is it that it should be attempted now, when the volumes of the statute law and of our reports are at least forty times more numerous than in the time of Lord Bacon, and are still increasing with lapse of time, in bulk and number, rendering the state of the law year by year more chaotic and confused.

It is a task worthy of any man's ambition, following the design of Lord Bacon, to endeavour, by an expurgation or consolidation of the statute law, and by a digest of the decisions of our courts of law and equity, to educe light out of darkness, and order out of confusion—in effect, to produce a code which will serve as a guide, in the place of the conflicting cases and ponderous statute-books, which serve to confuse rather than to enlighten the people and the Profession, and to render the administration of justice uncertain, unsatisfactory, and expensive.

Such a task has Lord Westbury before him: it is a great one, but by no means impossible. The Roman law was reduced to the form of a digest by the order of Justinian. The statutes of the various States of the United States of America, and of our own colonies—such, for instance, as those of Canada—have been reduced, in many instances, to one or two moderate-sized volumes; what is there to prevent us from doing the same things, or profiting by their example by doing them in a better manner?

We are apt to think such undertakings are impossible, merely because we do not consider to what causes our former failures are to be attributed.

Works of the nature we have suggested cannot be undertaken as a mere piece of by-play. Commissioners without salaries, or commissioners receiving salaries for public work, and yet retaining private practice, are worse than useless—they are obstruc-

tive. The persons who attempt the task of consolidating or expurgating our statute law, or digesting the numerous decisions of our courts of law and equity, must give up to it all their time and energies, and they would fairly deserve to be remunerated upon a scale worthy of the magnitude of their labours, rather than after the manner suggested and acted upon by a former Chancellor, more profuse in his promises than successful in his operations in the cause of law reform.

Lord Westbury, in undertaking the great law reforms which he has so long advocated, will, we doubt not, receive the support of all parties; and from the ranks of the Bar he will find no difficulty in selecting men, both of learning and experience, in sufficient numbers to insure the success of any work which he may take in hand.

#### OBSERVATIONS ON *COAPE v. ARNOLD* AND *AUSTEN v. MARTIN*:

*How far Equity is governed by Analogy to Legal Rules.*

So long as law and equity remain, as, notwithstanding any fusing process, they must to a great extent remain, "unconfounded," there are few subjects of inquiry more interesting to the equity student than the just limits of analogical reasoning. It is always a dangerous guide, apt to go in quest of fanciful resemblances, and to end its "wanderings" (to borrow the high-court phrase) by grasping an illusion.

An overstrained analogy seems to have had much to do in confusing the mind as to the true ground of the decision in the case of *Coape v. Arnold* (3 Sm. & G. 311; 1 Jur., N. S., part 1, p. 313), which, whatever may be thought of the reasoning adduced, appears to be sustainable on a just view of the limitations of the will, considered with reference to the nature of the equitable subject-matter. That the trust was not *executory* (i. e. in the sense of being an imperfect trust†, or mere heads of a settlement, to be worked out in equity), but a trust *executed* (i. e. a perfected and final disposition, to be construed as it stands expressed), seems to have been admitted on all hands‡. It was, of course, immaterial what would have been the state of things if a legal conveyance had been actually made to the very uses of the will—immaterial whether the trusts were created by a direction to convey, or by a simple devise upon trusts, the trusts being indicated with absolute finality. The joint result, therefore, of the will and codicil was the devise of an *equitable fee* to A. for ninety-nine years, if he should so long live; then to B. and his heirs for A.'s life, upon trust to support contingent remainders (without any disposition of the rents); then to the heirs of the body of A. It happened that A. was the testator's heir. It was contended that A. was equitable tenant in tail under the rule in *Shelley's case*. This construction necessarily required that A. should take an equitable (i. e. beneficial) estate of freehold, which might attract to him

\* See the compendious and elegant prefix to Sugden on Powers.

† But Mr. Lewin, in his very valuable treatise, views the case as one of executory trust. Another solution has been suggested by the same learned writer, founded on the somewhat questionable doctrine of *Pibus v. Mitford* (1 Vent. 373), that if the devise is to be considered as reduced to a simple devise to the heirs of the body of A., the testator's heir, it is in effect a devise to A. for life, remainder to the heirs of his body, and so within the rule in *Shelley's case*. But is the heir in of a particular estate by descent? or does not the fee descend to the heir subject to an executory devise?

‡ See the distinction, as stated by Lord Eldon, in *Jervois v. The Duke of Northumberland* (1 J. & W. 530).

• See Bacon's Law Tracts.



the benefit of the limitation to his heirs special, considered as a remainder. Such attraction, be it observed, is not, as the inaccurate language commonly employed would import, the attraction of cohesion, for there is demonstrably not any uniting or coalescing under the rule, which, in effect, merely inserts the ancestor as the object of the limitation to the heirs, and then leaves the result to the operation of the general law, the particular estate merging or not, as it may happen to be immediate or mediate. To get at the desired conclusion it was requisite to shew that A. took a particular estate of the same quality with the remainder to his heirs, and therefore to insist that B. (the trustee) took an *equitable estate* for the life of A., of which estate, the usufruct, being undisposed of, devolved upon A. as heir of the testator. But in the assumption that B. took an equitable estate there was a fatal source of error: B. took nothing; he was the cipher representative of a shadow, and could not impart substance to the heir. To this illusive, analogical, freehold interest it was sought to attach the ulterior limitation. There was, besides, the difficulty, apparently insuperable, of treating A. as having inherited a particular estate, on which a remainder was expectant, within the true meaning of the rule. The solution of the problem presented by the case of *Coape v. Arnold* would seem, therefore, to be this—the term of ninety-nine years was nothing, as respects the question agitated; the limitation to B. was nothing, in respect of that or any other question concerning the construction or effect of the limitations. These irrelevancies being deducted, there remains simply a devise of the equitable inheritance to the heirs of the body of A., on whom, as heir of the testator, the whole equitable fee devolved, subject to that contingent executory devise. In commenting upon this decision, the very able editors of *Jarman on Wills* (vol. 2, p. 276, 2nd ed.), who seem dissatisfied with the decision, observe that it is not said, "Where the beneficial interest was during the life of A., it clearly could not have been in B., for the estate was limited to him upon trust; it must, therefore, have descended to A. as the heir." Now, the estate limited to B., if it was really anything, was a portion of the testator's equitable (i. e. beneficial) fee; but if the "beneficial interest" could not, as is here insisted, have been in B. for the life of A., it is difficult to see how B. could take any portion of that fee, or, consequently, how any "estate" whatever could vest in him, of which the undisposed-of usufruct would descend to the testator's heir. There would seem to have been a yet further point for consideration—a point which, if sustained, would have gone to extinguish the whole contention. There were ulterior equitable remainders to objects, of whom some may have been in esse, taking, therefore, vested interests (for clearly a contingent remainder in tail does not prevent the vesting of a subsequent remainder), and, during the suspense of the contingent limitation, vested interests in possession, subject only to the term of years. These observations assume that the effect of the limitations is not to be considered as if they were actually clothed, in the very form in which they present themselves, with the legal estate, for if so considered the question agitated could not arise at all, as then, indisputably, A., not having an estate of freehold of the same quality (legal) with the remainder to the heirs of his body, could not have taken an estate tail. Either we must view the equities as they stand—view them as pure equities—and then the only beneficial gifts are a term of ninety-nine years determinable, and a contingent executory estate tail; or we must view them as embodied in corresponding legal estates—view them as direct devises by a legal owner in fee—and then the question vanishes altogether. From this dilemma there is no escape, without the con-

juring up of a phantom estate in B. by the magic of too subtle an analogy\*.

#### AUSTEN v. MARTIN.

It was observed by Lord Cranworth, C., in the course of a judgment to which the reference is not at hand, that the ownership of land is divided into the legal estate and the equitable estate, and that there is not any intermediate or other species of interest. The so-called equitable estate is not, correctly speaking, an estate, but is the right to the beneficial enjoyment or usufruct. This may appear to be too plain to need the sanction of any authority; but a very recent decision at the Rolls seems to shew, that even primary principles require to be from time to time restated and enforced. In the case to which allusion is made (*Austen v. Martin*, Weekly Rep., June 8, 1861) a testator devised an equity of redemption in fee (the land being subject to a legal mortgage in fee, with power of sale) to A. (the mortgagee), upon trust to sell, and apply the proceeds, after payment of debts and funeral expenses, upon certain trusts, and appointed A. sole executor. A. renounced the probate and disclaimed the devise, and administration with the will annexed was granted to B., the testator's heir-at-law. B., professedly in execution of the trust for sale, with the concurrence of the mortgagee, conveyed to C., a purchaser, the mortgage debt being paid out of the purchase money, and the surplus paid to B. On a subsequent sale by C., his vendee objected that B. was not authorised to execute the trust for sale, and give a valid discharge. The Master of the Rolls held, however, that "as regards the equitable estate in these hereditaments, the whole beneficial interest in them was vested in B., either in his character of heir-at-law or in his character of legal personal representative;" adding, "and all that beneficial interest in the hereditaments was conveyed to, and vested in, C., and accordingly C. was ready to convey all the legal estate" (which estate clearly he acquired from A., the mortgagee) "and all the beneficial interest in this property to the purchaser." Now, assuming that the trusts declared, by the will, of the proceeds of the sale, exhausted the whole beneficial interest, nothing was left to devolve upon B. but the right of contesting the validity of the devise, on the ground of incompetency in the testator, or informality in the instrument, or fraud in procuring it; and that right would seem to constitute a very questionable qualification for the office vacated by A., which imposed the duty of carrying the trusts of the will into execution. If B. stood, as he would appear to have stood, in the position of a disinherited heir, he was just the very last person in whom an intention to repossess confidence could with any propriety be constructively imputed to the testator. The testator, by devising to A., had said, in effect, that the heir was not to be trusted. The legal fee was admittedly in A. as mortgagee; the duty or office of executing the trusts was confided to A., under the form of a devise; and the beneficial interest was in the *cestui que trust* of the sale monies. Unless, therefore, some third species of ownership exists—something which is distinct at once from the legal estate and beneficial interest—something which is nothing at law or in equity, but is nevertheless a veritable, cognisable substance for all repudiated fiduciary purposes—unless the void occasioned by the disclaimer can be supplied by some such judicial creation, B., as heir, was more absolutely unconcerned in the matter of the sale than any stranger. Indeed, if con-

\* Several counsel (including a now distinguished equity judge, also the late Mr. Brodie, and other conveyancers of standing) concurred in opinion that A. took an equitable estate tail.

cerned at all, his concern was to overthrow, not to execute, the will. It is not less difficult to perceive that B., as the *administrator*, was the party to sell and give a receipt, seeing that he, as such, was a functionary not only never contemplated by the testator, but unauthorised to meddle with the realty at all; and if B. neither as heir nor as administrator was competent to execute the trust, the accident of his uniting these characters in himself could not strengthen his position. From the difficulty of referring this decision to any definite principle, it would seem that it must be added to that unhappy category of cases which, however dictated by the laudable desire of promoting the free interchange of property, have printed upon the threshold of every auction-room "*Cave canem*."

It cannot be truly said that *all* the devices of conveyancers have tended to facilitate alienation, but certainly a departure from their practice in the instances alluded to has bred much litigation and more chamber doubts, which must long remain unresolved, as well as a somewhat unseemly conflict of judicial opinion. The decision here commented on may not improbably open a new source of confusion in *trusteeships of equitable estates*, and be followed by applications for orders on heirs and devisees of *equitable mortgages* to execute conveyances—applications to be met, with some shew of reason, by the claim of a *beneficial interest*. Even disinherited heirs may be required by purchasers to concur for the purpose of denuding themselves of interests of which their ancestors have already stripped them.

There are three or four vexed matters which for some years past have been from time to time teasing courts of equity by their verbal differences, and seriously obstructing the interchange of property, and which, like the separate-estate entanglement, can be ended only by such adjudication as shall authoritatively place or replace them on broad and enduring principles.

Lincoln's-inn, June 24, 1861.

W. H.

### BOOKS RECEIVED.

A Treatise on the Law of Inland Carriers. By Edmund Powell, Esq., of Lincoln College, Oxford, M. A., and of the Inner Temple and Western Circuit, Barrister-at-Law; Author of "A Treatise on the Principles of Evidence." Second Edition.—Butterworths; and Hodges, Smith, & Co., Dublin. 1861.

Stone's Practice of Petty Sessions, with the Statutes, a List of Summary Convictions, and an Appendix of Forms. Seventh Edition. By Thomas Bell and Lewis W. Cave, of the Inner Temple, Esqrs., Barristers-at-Law.—V. & R. Stevens & Sons; Sweet; and Maxwell. 1861.

The Magisterial Formulist; being a complete Collection of Forms and Precedents for practical Use in all Cases out of Quarter Sessions, and in Parochial Matters, by Magistrates, their Clerks and Attornies; with an Introduction, Explanatory Directions, Variations, and Notes. By George C. Oke, Assistant Clerk to the Lord Mayor of London, Author of "The Magisterial Synopsis," "The Law of Turnpike Roads," &c. Third Edition, revised and enlarged.—Butterworths; and Hodges, Smith, & Co., Dublin. 1861.

A Treatise on Facts, as Subjects of Inquiry by a Jury. By James Ram, of the Inner Temple, M. A., Cambridge, Barrister-at-Law.—Maxwell. 1861.

The Law of Charitable Uses. Argument of William Curtis Noyes before the Court of Appeals of the State of New York, in the Case of Beelman, Administrator, &c., against the People, &c., and Others, in behalf of Thomas Beelman, one of the Respondents. With an Appendix, containing the Will.—New York: William C. Bryant & Co. 1861. Pp. 102.

### PROCEEDINGS IN PARLIAMENT.

#### HOUSE OF LORDS.

June 27.—The new Lord Chancellor, Baron Westbury, took his seat as a Peer, and on the woolsack.

#### HOUSE OF COMMONS.

June 28.—The Courts of Justice Building Bill was read a third time and passed.

July 2.—The Courts of Justice Building (Money) Bill was read a second time, and ordered to be referred to a select committee, with an instruction to consider the question of site.

### WEST INDIA INCUMBERED ESTATES ACT.

THE following notification, extending this act to Jamaica, appears in *The Gazette* of the 28th June:—

"At the Court at Buckingham Palace, on the 26th June, 1861, present the Queen's Most Excellent Majesty in Council.

"Whereas, by the West Indian Incumbered Estates Acts, 1854 and 1858, provision was made to facilitate the sale and transfer of incumbered estates in the several West Indian colonies named in a schedule to the said act of 1854 (among which is the island of Jamaica), and it was enacted that her Majesty might, from time to time, by Order in Council, direct the said acts to come into operation in any of the said colonies, but that no such Order in Council should be made in respect of any colony until the Legislature thereof should have presented an address to her Majesty, praying her Majesty to issue such order, and should also have made provision, to the satisfaction of her Majesty's Principal Secretary of State for the Colonies, for payment of the salaries of the local commissioners in the said acts mentioned, and of all such assistant secretaries, clerks, messengers, and officers as might be appointed under the said acts in such colony, and of such other expenses of carrying the said acts into execution as were therein directed to be provided for by the said Legislature:

"And whereas the Legislature of Jamaica, by an address, has prayed her Majesty to issue such order as aforesaid, and by an act passed on the 14th February, 1861, intituled 'An Act for carrying into Execution in this Island the West Indian Incumbered Estates Acts, 1854 and 1858,' has made provision for the payment of such salaries and other expenses as aforesaid, to the satisfaction of her Majesty's Principal Secretary of State for the Colonies:

"It is therefore hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of her Privy Council, that the said West Indian Incumbered Estates Acts, 1854 and 1858, shall, from the date of this Order in Council, come into operation in Jamaica.

"ARTHUR HELPS."

At the Court at Buckingham Palace, on the 26th June, her Majesty in Council was pleased to deliver the Great Seal to the Right Hon. Sir Richard Bethell, Knt., whereupon the oath of Lord Chancellor of Great Britain was, by her Majesty's command, administered to him, and he took his place at the Board accordingly.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal, granting the dignity of a Baron of the United Kingdom of Great Britain and Ireland unto the Right Hon. Sir Richard Bethell, Knt., Lord Chancellor of Great Britain, and to the heirs male of his body lawfully begotten, by the name, style, and title of Baron Westbury, of Westbury, in the county of Wilts.

**JOHN ALEXANDER MOWAT**, Crawford-street, St. Mary-lebone, Middlesex, shoemaker, July 12 at 2, and Aug. 10 at 11, London: Off. Ass. Whitmore; Sol. Rushbury, 33, Coleman-street, City.—Pet. f. June 17.

**JOHN SUGDEN**, Charles-terrace, Paxton-park, Sydenham, Kent, builder, July 12 at 11, and Aug. 9 at half-past 12, London: Off. Ass. Cannan; Sols. Flux & Argles, 68, Chesapeake, City.—Pet. f. July 1.

**RICHARD BATLEY**, Park-village East, Regent's-park, Middlesex, timber dealer, July 15 at 2, and Aug. 17 at half-past 12, London: Off. Ass. Bell; Sol. Billing, Chapel-place, Poultry, City.—Pet. f. June 20.

**JOHN JOSEPH**, Houndsditch, City, and Alton-terrace, Albion-road, Dalston, Middlesex, importer of foreign goods, July 15 at half-past 2, and Aug. 14 at 12, London: Off. Ass. Bell; Sols. Sydney & Son, 46, Finsbury-circus.—Pet. f. June 28.

**JAMES PRESTON**, Kingsland-gate Bazaar, Kingsland-road, Middlesex, tobacconist, July 12 at half-past 12, and Aug. 13 at 2, London: Off. Ass. Edwards; Sols. Morris & Co., Moorgate-street-chambers, City.—Pet. f. June 26.

**NATHAN KIMBERLEY LLOYD**, Birmingham, grocer, July 12 and Aug. 2 at 11, Birmingham: Off. Ass. Whitmore; Sols. Collins & Co., Birmingham.—Pet. d. July 1.

**JOHN JESSOP**, Preston Brookhurst, Shropshire, innkeeper, July 15 and Aug. 5 at 11, Birmingham: Off. Ass. Whitmore; Sols. Cooper, Shrewsbury; James & Knight, Birmingham.—Pet. d. June 22.

**JOB LEGGE**, Willenhall, Staffordshire, draper, July 15 and Aug. 5 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. f. July 1.

**WILLIAM GEORGE MARTIN**, Risco, Monmouthshire, innkeeper, July 16 and Aug. 27 at 11, Bristol: Off. Ass. Acraman; Sols. Cathcart, Newport, Monmouthshire; Britton & Son, Bristol.—Pet. f. June 27.

**HENRY DONLEVY**, Brinsworth, Rotherham, Yorkshire, glass manufacturer, July 13 and Aug. 3 at 10, Sheffield: Off. Ass. Brewin; Sol. Vickers, Sheffield.—Pet. d. and f. June 28.

**MICHAEL GRIFFIN**, Liverpool, leather dealer, July 15 and Aug. 2 at 11, Liverpool: Off. Ass. Bird; Sols. Woodburn & Pemberton, Liverpool.—Pet. f. June 22.

**WILLIAM GREEN**, Liverpool, licensed victualler, July 10 at half-past 12, and Aug. 9 at 11, Liverpool: Off. Ass. Morgan; Sols. Lowndes & Co., Liverpool.—Pet. f. June 25.

**JOHN MOSSOP**, Liverpool, provision dealer, July 15 and Aug. 2 at 11, Liverpool: Off. Ass. Turner; Sol. Tyrer, Liverpool.—Pet. f. June 24.

#### MEETINGS.

*Elias Mangfield*, Chesterton, Cambridgeshire, boatwright, July 25 at 11, London, last ex.—*Samuel Salomonson*, Abchurch-lane, City, billbroker, July 25 at half-past 11, London, last ex.—*William Raxter Wagstaff*, Fenchurch-street, City, wharfinger, July 12 at 12, London, last ex.—*John Eaton*, Attleborough, Norfolk, auctioneer, July 13 at half-past 11, London, and ac.—*Henry Blake*, Shide, near Newport, Isle of Wight, Hampshire, corn merchant, July 13 at 12, London, and ac.—*Alfred Edward Williams*, Stainesby-road, Limehouse, Middlesex, cooper, July 13 at 11, London, and ac.—*John Miller*, Chandoe-street, Covent-garden, Middlesex, bookseller, July 13 at 1, London, and ac.—*Henry Freeman*, Leadenhall-street, City, merchant, July 16 at half-past 12, London, and ac.—*John Mills*, Royton, near Oldham, Lancashire, cotton manufacturer, July 17 at 12, Manchester, and ac.; July 25 at 12, div.—*James Schofield* and *Louis Horrie*, Blue Pitts, near Rochdale, Lancashire, and Keighley, Yorkshire, grease manufacturers, July 17 at 12, Manchester, and ac., and July 25 at 12, div., sep. est. of *Louis Horrie*.—*Frederick Charles Perry*, Roughwood Colliery, and Ryecroft Colliery, near Walsall, and Halfpenny Furnaces, near Bilston, Staffordshire, and Stockport, Cheshire, ironmaster, July 22 at 11, Birmingham, and ac.—*Robert White*, *James White*, and *William White*, Nottingham, lace manufacturers, July 12 at 11, Nottingham, and ac.—*Robert Harrison*, *James Kiero Watson*, and *Henry Pease*, Kingston-upon-Hull, bankers, Aug. 7 at 12, Kingston-upon-Hull, and ac. and div. joint est.; July 31 at 12, and ac. and div. sep. ests. of *R. Harrison* and *J. K. Watson*.—*Henry Smith Bright*, Kingston-upon-Hull, merchant, July 31 at 12, Kingston-upon-Hull, and ac. and div.—*Samuel Talbot Hassell*,

Kingston-upon-Hull, merchant, July 31 at 12, Kingston-upon-Hull, and ac. and div.—*Simon Lyon*, Frederick's-place, Hampstead-road, Middlesex, cabinet maker, July 23 at 11, London, div.—*Edward Staff Prior* and *Alfred Staff Prior*, Bishopsgate-street, Middlesex, coal merchants, July 23 at 12, London, div.—*Thomas Porter*, Beauvoir-place, Kingland, Middlesex, chair maker, July 23 at 12, London, div.—*Theodore Hyld Jennens*, Halkin-street West, Belgrave-square, and Church-street, Chelsea, Middlesex, papier maché manufacturer, July 23 at 12, London, div.—*William Heath* and *Thomas Stevens*, Aldermanbury, City, factors, July 24 at half-past 11, London, div.—*John Fowler*, Whitehaven, Cumberland, stockbroker, Aug. 1 at half-past 12, Newcastle-upon-Tyne, first and fin. div.—*William Bell*, Urpeth Mill, near Chester-le-street, Durham, miller, Aug. 1 at 12, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Joseph Pickering* and *John Joshua Carryer*, Suffolk-street, Mile-end, Middlesex, and Mark-lane, City, manufacturing chemists, July 31 at half-past 11, London.—*George Trickett*, Great Winchester-street, City, metal merchant, July 25 at 1, London.—*William Matthias Bruster*, Swansea, Glamorganshire, letter-press printer, July 26 at 12, London.—*Wm. Whithorn*, Meriden, Warwickshire, grocer, July 26 at 11, Birmingham.—*Thomas Benfield*, Nuneaton, Warwickshire, innkeeper, July 25 at 11, Birmingham.—*John Anderton*, Liverpool, stonemason, July 24 at 1, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Susan Catherine Harrison*, Ipswich, Suffolk, innkeeper.—*James Kelita Hardy*, Fenchurch-street, City, annatto manufacturer.—*William Watson*, Gravel-lane, Southwark, Surrey, licensed victualler.—*David Henry Doust*, Pomeroy-place, Pomeroy-street, New-cross, Surrey, omnibus proprietor.—*John Neech*, Aylham, Norfolk, miller.—*Simon Lyon*, Frederick's-place, Hampstead-road, Middlesex, cabinet maker.—*Edward Thomas Nash Jenkins*, Victoria-park-square, Bethnal-green, Middlesex, cigar manufacturer.—*Thomas Theophilus Tyzack*, Liverpool, and Bootle-cum-Linacre, Lancashire, flour dealer.—*Gerard Gandy*, Leewood, near Meld, Flintshire, ironmaster.—*William Smith Bartlett*, Oldbury, Worcestershire, grocer.—*John Simpson Roberts*, Birmingham, gun maker.—*Philemon Roberts*, Darlaston, Staffordshire, grocer.—*Geo. Norman* and *Geo. Bennett Norman*, Birmingham, brassfounders.

#### PARTNERSHIP DISSOLVED.

*Charles Butlin* and *Richard Arthur Duffly*, Nottingham, attorneys and solicitors.

*The Globe* of Tuesday, July 2, has the following:—"Sir William Atherton has been appointed Attorney-General, in succession to the present Lord Chancellor." On Wednesday the same authority says—"Mr. Roundell Palmer has been appointed to the office of Solicitor-General, in succession to Sir William Atherton."

**DEATH OF SIR JOHN PATTESON.**—We have to announce the decease, on the 28th June, in his seventy-first year, of Sir John Patteson, one of the judges of the Court of Queen's Bench from 1830 to 1852. On resigning his judgeship he was made a Privy Councillor, and frequently sat in the Judicial Committee of that body, until compelled to refrain by ill health. He was one of those instances of appointment to the high office of a judge of a superior court without the previous recommendation either of a silk gown or a seat in Parliament. When placed on the Bench, his standing at the Bar was comparatively short, but he had practised as a special pleader for several years before his call. Mr. Justice Patteson was an able and pains-taking judge, and as upright a judge as ever sat on the Bench of this country. He was also a man of excellent temper, which was seldom ruffled, except occasionally, when, through an unfortunate infirmity in his hearing, he was unable to catch the arguments of counsel or the evidence of witnesses.

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A A

## GAZETTES.—FRIDAY, July 5.

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**HENRY FRENCH OVENDEN**, Maidstone, Kent, draper, July 15 at half-past 11, and Aug. 14 at half-past 12, London: Off. Ass. Johnson; Sols. Sole & Co., Aldermanbury.—Pet. f. July 2.

**ROBERT HALL**, Great Warley, Essex, army clothier, July 15 at 11, and Aug. 13 half-past 11, London: Off. Ass. Edwards; Sols. Stone & Co., Tunbridge Wells, Kent; Wood, 27A, Bucklersbury, London.—Pet. f. July 2.

**JOHN LAWS**, New Church-street, Marylebone, Middlesex, chemist, July 16 at half-past 11, and Aug. 20 at half-past 12, London: Off. Ass. Edwards; Sols. Bicknell & Bicknell, 79, Connaught-terrace, Edgware-road, Middlesex.—Pet. f. July 4.

**CHARLES HARDEN**, Fenchurch-street, City, warehouseman, July 17 at 11, and Aug. 16 at 1, London: Off. Ass. Whitmore; Sols. Harrison & Lewis, 8, Old Jewry; Sols & Co., 68, Aldermanbury.—Pet. f. July 4.

**SAMUEL VAGG** (commonly called or known as SAM. COLLINS), late of Hyde, Hendon, Middlesex, now of Gower-place, Bedford-square, Middlesex, licensed victualler, July 16 at 11, and Aug. 16 at 12, London: Off. Ass. Cannan; Sol. Harcourt, 2, King's Arms-yard, City.—Pet. f. July 2.

**JOSEPH DENNIS**, Snelton, Nottinghamshire, draper, July 18 and Aug. 6 at 11, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Pet. d. June 29.

**GEORGE HILLIER**, Trowbridge, Wiltshire, marine store dealer, July 16 and Aug. 27 at 11, Bristol: Off. Ass. Miller; Sols. Webber, Trowbridge; Henderson, Bristol.—Pet. f. June 28.

**HENRY LENNOX**, Liverpool, merchant, July 17 and Aug. 7 at 11, Liverpool: Off. Ass. Morgau; Sols. Lowndes & Co., Liverpool.—Pet. f. June 22.

**SAMUEL FLEET**, Audlem, Cheshire, mercer, July 22 and Aug. 7 at 11, Liverpool: Off. Ass. Bird; Sol. Tyer, Liverpool.—Pet. f. June 26.

## MEETINGS.

*Joseph North*, Brighton, Sussex, carrier, July 15 at half-past 12, London, ch. ass.—*John Edwards*, Cwm Yniscoy, near Pontypool, Monmouthshire, draper, July 30 at 11, Bristol, last ex.—*James Ormesher* and *William Ormesher*, Manchester and Blackley, Lancashire, silk manufacturers, July 18 at 12, Manchester, last ex.—*John Richard Andrews*, Hanover-place, Park-road, Regent's-park, ironmonger, July 18 at 11, London, aud. ac.—*Wm. Bound* the elder, Poole, Dorsetshire, farmer, July 18 at 11, London, aud. ac.—*Patrick Fenn*, Milk-street, City, umbrella manufacturer, July 18 at 11, London, aud. ac.; July 26 at 1, div.—*H. Nollery*, Fieldgate-street, Whitechapel, hotel keeper, July 18 at half-past 11, London, aud. ac.—*Andrew Robert Eley*, Chiswell-street, Middlesex, upholsterer, July 18 at half-past 11, London, aud. ac.—*Simon Lyon*, Frederick's-place, Hampstead-road, Middlesex, cabinet maker, July 18 at 12, London, aud. ac.—*Robert Scott* and *William T. Scott*, Southampton, tailors, July 18 at half-past 11, London, aud. ac.—*Edward Staff Prior* and *Alfred Staff Prior*, Bishopsgate-street, coal merchants, July 18 at 12, London, aud. ac.—*William Bryant*, Oxford-st., tailor, July 18 at 11, London, aud. ac.—*Eliza Parry*, Liverpool, timber dealer, July 15 at 11, Liverpool, aud. ac.; Aug. 2 at 11, div.—*Samuel Deighton*, Preston, Lancashire, draper, July 19 at 12, Manchester, aud. ac.; July 26 at 12, div.—*Harry Rawson*, Manchester, stationer, July 18 at 12, Manchester, aud. ac.—*Wm. Cox*, Birmingham, grocer, July 19 at 11, Birmingham, aud. ac.; July 26 at 11, div.—*E. Blood*, Leicester, innkeeper, July 18 at 11, Nottingham, aud. ac.—*G. Burrows*, Nottingham, lace manufacturer, July 26 at 11, Nottingham, aud. ac.—*C. B. Mather*, Newbury, Berkshire, tea dealer, July 26 at 11, London, div.—*John Britten*, Noble-street, Falcon-square, City, and Park-road, Dalston, Middlesex, dealer in silk, July 30 at half-past 11, London, fin. div.—*Christopher Hood* and *John Nixon*, Nuneaton, Warwickshire, elastic web manufacturers, July 29 at 11, Birmingham, aud. ac. and div.—*Thomas Mills*, Leicester, elastic web manufacturer, July 26 at 11, Nottingham,

aud. ac. and div.—*Louis Simon*, Nottingham, manufacturer, July 26 at 11, Nottingham, aud. ac. and div.—*S. Wilmott*, Nottingham, lace manufacturer, July 26 at 11, Nottingham, aud. ac.—*Robert White*, *James White*, and *Wm. White*, Nottingham, lace manufacturers, July 26 at 11, Nottingham, aud. ac. and div.—*Alfred Wale*, Nottingham, hosier, July 26 at 11, Nottingham, div.—*Francis M. Caporn*, Nottingham, lace manufacturer, July 26 at 11, Nottingham, div.—*William Kirk*, *John Wale*, and *John Kirk*, Mountsorrel, Leicestershire, coal merchants, July 26 at 11, Nottingham, div.—*A. McMillan* and *William Blackburn*, Star-court, Bread-street, Cheapside, City, woollen warehousemen, July 26 at 11, Leeds, div.—*Jonathan Hainworth*, Halifax, Yorkshire, plumber, July 26 at 11, Leeds, div.—*J. Booth* the younger, Bramley, Yorkshire, worsted manufacturer, July 26 at 11, Leeds, div.—*James M. Martin*, Chesterfield, Derbyshire, ironmonger, July 27 at 10, Sheffield, div.—*John Duffield* and *Wm. R. Dauber*, Sheffield, Yorkshire, grocers, July 27 at 10, Sheffield, div.—*Charles K. Jarvis*, Sheffield, Yorkshire, bookseller, July 27 at 10, Sheffield, div.—*Charles K. Ashley*, Sheffield, Yorkshire, common brewer, July 27 at 10, Sheffield, div.—*Henry Charles Chosen*, Sheffield, Yorkshire, shoe dealer, July 27 at 10, Sheffield, div.—*Thomas Colley*, Princes-street, Westminster, Middlesex, grocer, July 18 at 1, London, aud. ac.

## CERTIFICATES.

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*William H. Boreham*, Brudenell-place, New North-road, Middlesex, tailor, Aug. 8 at half-past 11, London.—*Richard Burrell* and *Joseph Burrell*, Old Change, City, wholesale warehousemen, Aug. 6 at 11, London.—*Wm. Stillman*, Newbury, Berkshire, leather cutter, July 26 at 12, London.—*T. D. Carter*, Blue Anchor-yard, Coleman-street, City, liver-stable keeper, July 27 at 11, London.—*Charles B. Mather*, Newbury, Berkshire, tea dealer, July 26 at 11, London.—*Peter Bates*, Croydon, Surrey, draper, July 29 at 11, London.—*Alfred Bonales*, Ipswich, Suffolk, music seller, July 29 at 11, London.—*J. Cook* and *H. B. Greenicood*, Mark-lane, City, wine merchants, July 29 at 1, London.—*E. Paschal*, Cannon-street West, City, warehouseman, July 29 at 12, London.—*W. East*, Sudbury, Suffolk, currier, July 30 at half-past 1, London.—*Frederick Ellyett*, Portsea, Hampshire, hatter, July 30 at 1, London.—*Francis Lock*, Bridgewater, Somersetshire, miller, Aug. 7 at 12, Exeter.—*George Elston*, Crediton, Devonshire, shoe manufacturer, Aug. 7 at 12, Exeter.—*Wm. Foster*, Manchester, cloth cap manufacturer, Aug. 2 at 12, Manchester.—*Joseph Thompson*, Wakefield, Yorkshire, yarn spinner, July 26 at 11, Leeds.—*Joseph Burrows*, Chesterfield, Derbyshire, cabinet maker, July 27 at 10, Sheffield.—*James Mark Martin*, Chesterfield, Derbyshire, ironmonger, July 27 at 10, Sheffield.

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## TUESDAY, July 9.

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THE JURIST.

LONDON, JULY 13, 1861.

SEVERAL biographies of the late Lord Chancellor have appeared in the newspapers since his decease. We do not propose to follow this example, but shall merely direct attention to that part of his chequered career in which he appears as a legislator; in order to see how far, in that respect, he has redeemed the debt which, according to Lord Bacon, every man owes to his profession.

There are several statutes known in the Profession by the title of "Lord Campbell's Acts," namely, the 6 & 7 Vict. c. 96, relative to defamation; the 9 & 10 Vict. c. 93, for compensating the families of persons killed by accidents; and the 14 & 15 Vict. c. 100, the Administration of Criminal Justice Improvement Act. Of these statutes it may fairly be said, that although not long, they, and especially the two first, have introduced new principles into our law. The first relates to the law of defamatory words and libel, which before that statute was certainly in a state anything but satisfactory. Its objects are declared by the preamble to be, "for the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising the

said liberty." With these views, the statute (inter alia) allows the defendant in any action for defamation to give an apology in evidence in mitigation of damages; and where the action is for a libel in any public newspaper or periodical publication, he may plead that it was inserted without actual malice or gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted an apology, and may pay money into court as amends. The 6th section, putting an end to the absurd and immoral dogma, "the greater the truth the greater the libel," enacts, that on criminal proceedings for libel the truth may be pleaded, with an averment that it was for the public benefit that the facts should be published; and the Court, in passing sentence, shall take into consideration the truth or falsehood of those facts. Another very beneficial enactment is contained in sect. 7, that in criminal proceedings for libel the defendant may rebut a *prima facie* case of publication by an agent. Previous to this statute, if the servant of a bookseller sold in his shop a libellous publication, without either the knowledge of, or carelessness in the master, he was nevertheless criminally responsible for the publication; and the common opinion was, that he could not by any evidence remove that responsibility. (See Ph. & Am. Ev. 466).

The second of these acts (9 & 10 Vict. c. 93) intro-



duced into our law a principle previously unknown. By the ancient law, when a person was killed per infortunium, the instrument which caused his death was forfeited, which forfeiture was in after times commuted for a sum of money. This species of forfeiture was called a "deodand;" which, according to Mr. Justice Blackstone (1 Bl. Com. 300), "seems to have been designed, in the blind days of Popery, as an expiation for the souls of such as were snatched away by sudden death, and for that purpose ought properly to have been given to holy church, in the same manner as the apparel of a stranger, who was found dead, was applied to purchase masses for the good of his soul." With the Reformation this of course came to an end, but the practice of inflicting a nominal deodand still continued. It is, however, worthy observation, that for some short time before the abolition of deodands by a statute of the same session, the 9 & 10 Vict. c. 62, juries had begun to impose deodands to a real, and often serious, amount. That statute abolishes them altogether, the Legislature probably deeming that all that was really valuable in the system was more effectually attained by the provisions of the 6 & 7 Vict. c. 93.

Previous to the 9 & 10 Vict. c. 93, if a party received personal injury from the carelessness of another, he might bring his action, and recover damages; still, as that action died with the person, and did not survive to the personal representative, the relatives of the deceased, whose position and prospects were injured by his death, were without remedy. The two following reasons for this are assigned by Parke, B., in *Armsworth v. The South-eastern Railway Company* (11 Jur. 758), which was, we believe, the first decided case under the statute:—"First, because the law provided a remedy for such mischiefs only as affected rights; and a man has not such a legal right in the life of his parent as he has in his own—the relation between parents and their children giving rise merely to what moralists call 'imperfect obligations.' Another reason was, that it was considered impossible to form an estimate of the value of human life, either to a man himself, or to others connected with him."

The statute in question, the principle of which was probably taken from the law of Scotland, enacts, "Whosoever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony." It then goes on to provide, that the damages recovered "shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought." It provides also, "that the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties, in such shares as the jury by their verdict shall find and direct."

In the construction of this statute, the difficulty, or rather impossibility, of ascertaining the value of a man's life has been avoided. For instance, in the case already referred to, Parke, B., told the jury, "You

cannot estimate the value of a person's life to his relatives. No sum of money could compensate a child for the loss of its parent. . . . You must estimate the damage by the same principle as if a wound had been inflicted. Scarcely any sum could compensate a labouring man for the loss of a limb, yet you do not in such a case give him enough to maintain him for life. . . . I therefore advise you to take a reasonable view of the case, and give what you consider a fair compensation."

The remaining statute (14 & 15 Vict. c. 100) was passed for the purpose of improving the administration of the criminal law, chiefly by removing technical difficulties, which frequently operated most seriously to the defeat of justice. With this view powers of amendment are given to the Court; the extreme particularity required in describing the crime in the indictment—as, for instance, in the description of the form and mode of death in cases of murder—is abolished; the old law of the merger of offences is considerably modified, perhaps we might say recast, &c.

Lord Campbell's name is also connected with the great constitutional question raised in *Stockdale v. Hansard* (9 Ad. & El. 1), relative to the privilege claimed by the House of Commons to publish libellous matter, if deemed by that House to be for the public good. Out of that case arose the great and most unseemly contest between the Court of Queen's Bench and the House of Commons, which resulted in the stat. 3 & 4 Vict. c. 9. As a member of the House of Commons, he seems to have believed that the Court of Queen's Bench would allow the privilege; and as Attorney-General he argued the question before that Court most ably, and at great length, though unsuccessfully.

Lord Campbell made some efforts at legislation which were not successful. Among these was a bill, introduced by him into the House of Peers in March, 1859, to abolish the rule requiring unanimity in the verdicts of juries. How far this project had its origin in his Scotch views and sympathies is not easy to say. The bill was ably discussed on both sides, chiefly by the law lords, but rejected by the very decisive majority of twenty-three to seven.

#### FOREIGN LAW ASCERTAINMENT ACTS.

OUR attention has been directed to a mistake in our leading article of the 29th June (ante, p. 256), relative to the 22 & 23 Vict. c. 63, "to afford facilities for the more certain ascertainment of the law administered in one part of her Majesty's dominions when pleaded in the courts of another part thereof," and the 24 Vict. c. 11, "to afford facilities for the better ascertainment of the law of foreign countries when pleaded in courts within her Majesty's dominions." We there stated that the enactments in those statutes only provided for the case where an action is pending. In this we followed the language of the enacting sections of those statutes; but their interpretation clauses impose a non-natural signification on that word, which they declare "shall include every judicial proceeding instituted in any court, civil, criminal, or ecclesiastical."

#### Correspondence.

##### AUSTEN v. MARTIN.

TO THE EDITOR OF "THE JURIST."

SIR,—Are not the criticisms of your correspondent "W. H." somewhat refined? Surely, after disclaimer by the mortgagee, the heir-at-law of the mortgagor was a trustee for the administrator, i. e. himself, as

the trust expressly provided for the payment of *debts and funeral expenses*.

I cannot consider the expressions of the Master of the Rolls in this case at all unwarranted.

Your obedient servant,  
G. L.

Rolls Chambers, Chancery-lane, July 6, 1861.

## PROCEEDINGS IN PARLIAMENT.

### HOUSE OF LORDS.

July 8.—It was stated, on the part of the Government, as their intention to take the second reading of the Courts of Justice Building Bill, which had been sent up from the Commons, with the understanding that discussion on it should be deferred until the result of the Courts of Justice Building (Money) Bill, still in the Commons, should be ascertained.

### HOUSE OF COMMONS.

July 3.—Mr. *Walpole* moved the second reading of the Indictable Offences (Metropolitan District) Bill.

Mr. *Hunt* moved, as an amendment, that the bill be read a second time that day three months.

A debate ensued, which was adjourned.

July 9.—Sir G. C. *Lewis* obtained leave to bring in a bill for the amendment of the acts relative to the payment of the expenses of prosecutions.

## THE BILLS TO AUTHORISE THE CONSTRUCTION OF NEW COURTS OF JUSTICE.

THE Government plan for building new courts of justice is comprised in the two following bills. The first has passed the House of Commons, where it had been referred to a select committee, and now awaits a second reading in the House of Lords. The latter, on which the former depends, has been read a second time in the House of Commons, and referred to a select committee, with an instruction to consider the question of site.

*A Bill (as amended by the Select Committee) to enable the Commissioners of her Majesty's Works to acquire a Site for the Erection of Courts of Justice, and of the various Offices belonging to the same.*

Whereas a commission was issued in the year 1858, under the sign-manual of her Majesty, for the purpose of inquiring into the expediency of bringing together into one place or neighbourhood all the superior courts of law and equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various offices belonging to the same, and into the means which existed or might be supplied for providing a site or sites, and for erecting suitable buildings for carrying out the above objects: and whereas the said commission have reported to her Majesty that the concentration of such courts is expedient, and have recommended as a site for the said courts and offices certain houses, tenements, and other buildings and hereditaments situate in the parish of St. Clement Danes and the Liberty of the Rolls, in the county of Middlesex, and the parish of St. Dunstan in the West, in the city of London, and more particularly described and shewn on the plans hereinafter mentioned, but such lands cannot be acquired without the authority of Parliament: and whereas duplicate plans, describing the situation of the said houses, tenements, and other buildings and lands, with a book of reference thereto, containing the names of the owners and leasees, or reputed owners and leasees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Middlesex, at his office at the Sessions-house, Clerkenwell, and with the clerk of the peace for the city of London, at his office at the Sessions-house in the Old Bailey, and it is expedient that powers should be given to the commissioners to purchase such lands, and to provide accommodation for the said courts and offices, or some of them: be it enacted &c. as follows:—

Sect. 1. This act may be cited for all purposes as "The Courts of Justice Building Act, 1861."

2. Incorporates for its purposes the Commissioners of her Majesty's Works and Public Buildings.

3. The purposes of this act are the acquisition in the same neighbourhood of a convenient site for the accommodation of the superior courts of law and equity, or some of them, the Probate and Divorce Courts, and the Courts of Admiralty and Bankruptcy, and the various offices connected with them, and of such other courts and offices for the public service as may from time to time be prescribed by the Commissioners of her Majesty's Treasury, and the erection on such site of suitable buildings, with all proper furniture and conveniences, and the constructing and doing such works and things as are conducive to the attainment of the above purposes, or any of them, or incidental thereto.

4. Empowers the commissioners to purchase lands.

5. Which are to continue subject to land tax and rates.

6. Power of commissioners to enter on lands.

7. The Lands Clauses Consolidation Act, 1845, and the amending act, 23 & 24 Vict. c. 106, to be incorporated with the present, except sect. 16 of the former, and the bond required by sect. 85 of the same shall be sufficient without sureties.

8. Questions of disputed compensation may be determined by a jury in the Lord Mayor's Court.

9. Relates to errors in plans.

10. Relates to the extinction of rights of way and other easements.

11. The limit for the compulsory purchase of lands shall be five years.

12. Commissioners empowered to pull down buildings and execute works.

13. Saving the rights of the Metropolitan Board of Works.

14. And certain rights of the Commissioners of Sewers.

15. Exemption from the first part of the Metropolitan Buildings Act, 1855.

16. No purchases to be made without the authority of the Lords of the Treasury.

17. Relates to the authentication of notices.

18. Orders concerning money paid into court may be made at chambers.

19. Penalty for obstructing commissioners.

20. Instruments not liable to stamp duty.

21. Conveyances to be enrolled.

22. Plans to be deposited, and open for inspection.

*A Bill for supplying Means towards defraying the Expense of carrying into effect the Courts of Justice Building Act.*

Whereas large sums of money have been, and continue to be, from time to time paid into the Bank of England to the credit of the Accountant-General of the Court of Chancery in England, by the suitors in that court and others, either for safe custody during the pendency of litigation, or for the purpose of the same being distributed or otherwise: and whereas such sums are invested, or not, in Government securities, for the benefit of persons interested therein, according as such persons do or do not apply to the court for such investment to be made, but, in consequence of the disinclination or neglect of such persons to have such monies invested, there is always arising from such deposits a large balance of cash in the Bank of England, hereinafter referred to as "the general cash balance," remaining uninvested and unemployed: and whereas portions of such general cash balance have from time to time, under the authority of acts of Parliament, been invested in Government securities, in the name of the Accountant-General of the Court of Chancery, on account of the public, and not for the benefit of any particular persons: and whereas the investments so made are realised from time to time as the exigencies of the suitors require, and the produce paid back to the account of the general cash balance: and whereas portions of the income arising from such investments of the general cash balance have been applied to various purposes from time to time directed by Parliament, and the surplus of such income was, from the year 1768 up to the year 1852, invested and accumulated to the credit of an account intitled "Account of securities purchased

with surplus interest arising from securities carried to account of monies placed out for the benefit and better security of the suitors of the High Court of Chancery," but subsequently thereto such surplus, in pursuance of acts of Parliament, has been carried over and added to the Sutors' Fee Fund account: and whereas there is now standing to the credit of the said account a sum of stock, hereinafter referred to as "the Surplus Interest Fund," consisting of the following sums; that is to say, 570,700*l.* 1*6s.* 1*d.* Bank 3*l.* per Cent. Annuities, 720,904*l.* 3*s.* 5*d.* Reduced Annuities, and 241*l.* 6*s.* New 3*l.* per Cent. Annuities, making in the whole 1,291,629*l.* 5*s.* 6*d.* of such annuities: and whereas there is also standing in the books of the Governor and Company of the Bank of England, in the name of the Accountant-General of the Court of Chancery, to an account intitled "Account of monies placed out to provide for the officers of the High Court of Chancery," a sum of 201,028*l.* 2*s.* 3*d.* Bank 3*l.* per Cent. Annuities: and whereas such last-mentioned sum of stock, hereinafter referred to as "the Chancery Surplus Fee Fund," has arisen from the accumulation of surplus fees received since the year 1833 from suitors in the Court of Chancery, and carried to the said account in pursuance of an act of the session of the 3 & 4 Will. 4, c. 94: and whereas there is now standing to the credit of an account in the Paymaster-General's books, called "The account of the Common-law Surplus Fee Fund," the sum of 105,773*l.* cash, or thereabouts: and whereas such cash, hereinafter referred to as "the Common-law Surplus Fee Fund," has arisen from the surplus of the fees received from suitors in the courts of common law, paid to the credit of the above-mentioned account in pursuance of divers acts of Parliament: and whereas a bill has been introduced into Parliament in the present session by the short title of "Courts of Justice Building Act, 1861," and the object of such bill is to purchase a site capable of affording accommodation to all the superior courts of law and equity, the Probate and Divorce Courts, and the High Court of Admiralty, and the various offices belonging to the same, and to erect suitable buildings for such courts and offices; and it is by the said bill provided that the expenses to be incurred in carrying into effect the said Courts of Justice Building Act are to be defrayed out of monies to be provided by Parliament; and it is expedient that the several funds, hereinafter described as "the Surplus Interest Fund," "the Chancery Surplus Fee Fund," and "the Common-law Surplus Fee Fund," should be appropriated towards replacing the sums so provided: and whereas the capital of the Surplus Interest Fund is at present liable to supply any deficiency occurring in the realisation of such investments of portions of the general cash balance to answer the demands of the suitors; and the capital of the Chancery Surplus Fee Fund is at present liable to supply any deficiency in the Sutors' Fee Fund for payment of the charges thereon: and whereas the income arising from the Surplus Interest Fund and Chancery Surplus Fee Fund is charged, together with other funds which are not appropriated by this act, with various annual payments for salaries, pensions, compensation allowances, and other miscellaneous purposes; and in the event of the Surplus Interest Fund and Chancery Surplus Fee Fund being appropriated to the purposes above mentioned there may be a temporary loss of income to the Sutors' Fee Fund, which it may be necessary to make good to a limited extent: and whereas it is expedient that provisions should be made for making good any contingent deficiency or loss of income: be it therefore enacted &c. as follows:—

#### *Appropriation of Funds.*

SECT. 1. Whenever, under the direction of Parliament, any money shall be paid out of the Consolidated Fund towards defraying the expenses to be incurred in carrying into effect the Courts of Justice Building Act, 1861, there shall be paid, in manner hereinafter mentioned, first, out of the Common-law Surplus Fee Fund, and, secondly, out of the produce of the Surplus Interest Fund and the Chancery Surplus Fee Fund, so far as such funds will extend, into the receipt of her Majesty's Exchequer, to be carried to and form part of the Consolidated Fund of the United Kingdom, such sums as may be equivalent to the amount of monies so provided by Parliament.

2. The Paymaster-General shall from time to time, until all monies provided by Parliament for the purposes of the Courts of Justice Building Act, 1861, have been replaced,

pay into the receipt of the Exchequer all monies for the time being standing in his books to the account of the Common-law Surplus Fee Fund, at such times and in such manner as the Commissioners of her Majesty's Treasury may direct; and there shall from time to time be sold, under the order of the Lord Chancellor, such portions of the Surplus Interest Fund and Chancery Surplus Fee Fund, or either of them, as will produce the amount of cash specified in any warrants from time to time issued by the said commissioners, and the monies arising from every such sale shall be received by one of the cashiers of the Bank of England, and be paid by him to the account of her Majesty's Exchequer at the Bank of England.

3. There shall be paid out of the Consolidated Fund, or the growing produce thereof, into the Bank of England, to the credit of the Accountant-General of the Court of Chancery, to the account of the Sutors' Fee Fund, on the 1st February, on the 1st May, on the 1st August, and on the 1st November in every year, such sum, not exceeding in any one year 40,000*l.*, as may be sufficient to make good to the Sutors' Fee Fund any loss of income caused by the sales of the funds hereby directed to be sold, after deducting or taking credit for the amount of any salaries payable to the abolished Masters of the Court of Chancery and their clerks, and to the master of reports, and of any compensation allowances charged on the Sutors' Fund in Chancery, or the said Sutors' Fee Fund, and existing at the time of the passing of this act, which from time to time may cease to be payable, the first of such payments to be made on such one of the said days as may first happen after any sale of the said fund has taken place.

4. If the stock purchased out of the general cash balance of the suitors is at any time insufficient to satisfy the claims of the suitors thereon, such deficiency shall, to the extent to which the Surplus Interest Fund would have been available, be made good out of the Consolidated Fund.

5. As often as there shall be a deficiency in the Sutors' Fee Fund at any of the times appointed for the payment thereof of any of the charges thereon, such deficiency shall be supplied out of the Consolidated Fund, to the extent to which the Chancery Surplus Fee Fund would have been available; but this provision is not to extend to supplying any deficiency caused by any alteration which may be made in any of the fees payable by the suitors in Chancery, unless such alteration shall be approved by the Commissioners of her Majesty's Treasury.

#### *Saving of Jurisdiction on Removal of Courts.*

6. Notwithstanding their removal to the site provided by the Concentration of the Courts of Justice Act, 1861, the superior courts of law and equity may exercise the same jurisdiction and enjoy the same rights and privileges as they have hitherto exercised and enjoyed, and all statutes, charters, and other instruments wherein Westminster is described or referred to as being the locality of the said courts shall be construed as if the site provided by the said act had been described or referred to in the said statutes, charters, and other instruments as the locality of the said courts instead of Westminster.

7. Her Majesty may, by Order in Council, make any alterations that may be thought expedient for the purpose of adapting the forms of testing writs and other instruments, and the forms themselves of writs or other instruments, in use in the said courts, to the change of locality made by the said Concentration of Courts of Justice Act.

8. This act shall not come into operation until the Courts of Justice Building Act, 1861, has passed into a law.

9. This act may be cited for all purposes as "The Courts of Justice Building Act (Money), 1861."

THE JURIDICAL SOCIETY.—The last meeting of this society for the present season took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 8th July; Mr. W. M. Best in the chair: when a paper was read by Mr. F. M. Nichols on "The Classification of Statutes." A discussion ensued, in which the Chairman, Mr. H. Stevens, Mr. Westlake, Dr. Waddilove, Mr. Cohen, Mr. A. J. Wood, and Mr. W. F. Robinson took part. The society then adjourned until November.

**THOMAS JOSEPH MOSS**, Edgware-road, Hyde-park, Middlesex, jeweller, July 18 at half-past 11, and Aug. 17 at 11, London: Off. Ass. Bell; Sol. Abrahams, 17, Gresham-street.—Pet. f. July 4.

**GEORGE DAVIS**, Southampton, builder, July 20 at 1, and Aug. 23 at 12, London: Off. Ass. Cannan; Sol. Stocken, 61, Cornhill.—Pet. f. July 8.

**JAMES IBBOTT**, Somersham, Huntingdonshire, builder, July 19 at half-past 11, and Aug. 16 at half-past 12, London: Off. Ass. Whitmore; Sols. Nicholson, St. Ives, Huntingdonshire; Emmett & Son, 14, Bloomsbury-square.—Pet. f. July 2.

**THOMAS CREASY BARBER**, Gravesend, Kent; Grays, Essex; and Enfield, Middlesex, currier, July 20 at 11, and Aug. 16 at half-past 1, London: Off. Ass. Whitmore; Sols. Sharland, Gravesend; Wilkinson & Co., 4, Nicholas-lane, Lombard-street.—Pet. f. July 6.

**GEORGE HORNSEY**, Southampton, gasfitter, July 20 at half-past 12, and Aug. 16 at 2, London: Off. Ass. Cannan; Sols. Thomson & Son, 60, Cornhill.—Pet. f. July 6.

**MAURICE WINGRAVE BRITTON**, Shoreditch, Middlesex, wholesale milliner, July 22 at 2, and Aug. 23 at half-past 12, London: Off. Ass. Whitmore; Sols. Mason & Co., 7, Gresham-street.—Pet. f. July 8.

**THOMAS LEEKS**, Norwood, Surrey, contractor, July 23 at 11, and Aug. 20 at 1, London: Off. Ass. Edwards; Sol. Abraham, 17, Gresham-street, London.—Pet. f. June 27.

**CHARLES ROSS**, Walsall, Staffordshire, butcher, July 19 and Aug. 8 at 11, Birmingham: Off. Ass. Kinnear; Sols. Moore, Walsall; James & Knight, Birmingham.—Pet. d. June 28.

**THOMAS WILSON**, Claverley, Shropshire, saddler, July 19 and Aug. 8 at 11, Birmingham: Off. Ass. Kinnear; Sols. Potts & Gordon, Bridgnorth; James & Knight, Birmingham.—Pet. d. July 3.

**WILLIAM BANTON SHREEVE** and **CHARLES SHREEVE**, Burton-upon-Trent, Staffordshire, builders, July 25 and Aug. 15 at 11, Birmingham: Off. Ass. Kinnear; Sol. Flewker, Derby.—Pet. d. July 8.

**WILLIAM PARNHAM**, Nottingham, licensed victualler, July 19 and Aug. 13 at 11, Nottingham: Off. Ass. Harris; Sol. Smith, Nottingham.—Pet. d. July 5.

**JOHN EDWARD SHELLARD**, Bristol, British wine manufacturer, July 22 and Aug. 26 at 11, Bristol: Off. Ass. Miller; Sols. Brittan & Sons, Bristol.—Pet. f. July 6.

**JOHN GREEN**, Swansea, Glamorganshire, licensed victualler, July 23 and Aug. 27 at 11, Bristol: Off. Ass. Miller; Sols. Strick, Swansea; Brittan & Sons, Bristol.—Pet. f. June 7.

**JAMES CRESSEY**, Wakefield, Yorkshire, grocer, July 23 and Aug. 20 at 11, Leeds: Off. Ass. Hope; Sol. Markland, Leeds.—Pet. d. July 3.

**RICHARD WILSON**, Leeds, Yorkshire, flax spinner, July 23 and Aug. 20 at 11, Leeds: Off. Ass. Hope; Sols. Teale & Appleton, Leeds.—Pet. d. July 2.

**GEORGE GOODWIN**, Manchester, auctioneer, July 24 and Aug. 21 at 12, Manchester: Off. Ass. Hernaman; Sol. Stead, Manchester.—Pet. f. July 5.

#### MEETINGS.

**Samuel Davies**, Tredegar, Monmouthshire, draper, July 26 at 11, Bristol, and ac.—**Wm. West**, Bristol, bookseller, July 26 at 11, Bristol, and ac.—**John Riley**, Blackburn, Lancashire, ironfounder, July 25 at 12, Manchester, and ac.; July 31 at 12, div.—**George Pearson**, Manchester, machine maker, July 23 at 12, Manchester, and ac.; Aug. 6 at 12, div.—**Margaret Jane Stoveld**, Blyth, Northumberland, ship-builder, July 19 at half-past 12, Newcastle-upon-Tyne, and ac.—**Geo. K. Paling**, Wolverhampton, Staffordshire, draper, July 26 at 11, Birmingham, and ac.—**Mark Robinson**, Bloxwich, Walsall, Staffordshire, shoemaker, July 25 at 11, Birmingham, and ac.; Aug. 2 at 11, div.—**William Turpin**, Methley, near Leeds, Yorkshire, builder, July 29 at 11, Leeds, and ac. and div.—**Charles Kedman Jarvis**, Sheffield, Yorkshire, bookseller and stationer, July 20 at 10, Sheffield, and ac.—**John Duffield** and **William Rispin Dauber**, Sheffield, Yorkshire, grocers, July 20 at 10, Sheffield, and ac.—**Samuel Perkes**, Earl-street, Blackfriars, City, engineer, Aug. 1 at half-past 1, London, div.—**John James Christopher Young**, Stonebridge-cummen, Kingsland, Middlesex, licensed victualler, Aug. 1 at 11, London, div.—**Charles**

**Wooltorton**, West Smithfield, City, ironmonger, Aug. 1 at half-past 12, London, fin. div.—**William Brown**, Marlborough, Wiltshire, butcher, Aug. 1 at 11, Bristol, div.—**William John**, Pontypidd, Glamorganshire, grocer, Aug. 1 at 11, Bristol, div.—**Richard Starkey**, Stroud, Gloucestershire, draper, Aug. 1 at 11, Bristol, fin. div.—**Joseph Sutcliffe**, Scarborough, Yorkshire, upholsterer, July 29 at 11, Leeds, div.—**Thomas Low Holdich**, Hinckley, Leicestershire, ironmonger, Aug. 2 at 11, Birmingham, div.—**Joseph Hulford**, Birmingham, licensed victualler, Aug. 2 at 11, Birmingham, div.—**Margaret Jane Stoveld**, Blyth, Northumberland, ship builder, Aug. 1 at 1, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Robert Pratt**, Great Yarmouth, Norfolk, bricklayer, Aug. 1 at half-past 11, London.—**Stephen Sams Short**, Shoreditch, Middlesex, shoe manufacturer, July 30 at 11, London.—**Guillaume Guillaume**, Exeter, and Mount Radford, St. Leonard, Devonshire, watchmaker, July 31 at 12, Exeter.—**Samuel Greenhalgh**, Bury, Lancashire, confectioner, July 31 at 12, Manchester.—**John Hill** and **William Hill**, Nottingham, coal merchants, July 30 at half-past 11, Nottingham.—**James Wadson**, Fleet, Lincolnshire, innkeeper, July 30 at half-past 11, Nottingham.—**Thomas Taylor Butterworth**, Birmingham, jeweller, and Great Bridge, Staffordshire, licensed victualler, July 31 at 11, Birmingham.—**Ebenezer Charles Browne**, Birmingham, music seller, July 31 at 11, Birmingham.—**Joseph Vernon Needham**, Birmingham, gun manufacturer, July 31 at 11, Birmingham.—**Henry Brown**, Halifax, Yorkshire, velvet manufacturer, Aug. 2 at 11, Leeds.—**William Serjeant**, Kingston-upon-Hull, builder, Nov. 6 at 12, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

**Henry Mann**, Chesterton, Cambridgeshire, miller.—**Wm. Fowler**, Bradford, Yorkshire, grocer.—**Henry James Norfor**, Great Yarmouth, Norfolk, builder.—**Francis De Yrigoyti**, Muscovy-court, Tower-hill, City, wine merchant.—**Thomas Digby**, Ottery St. Mary, Devonshire, tailor.—**James Edgcome Richards**, Dartmouth, Devonshire, chemist.—**Christopher Walker**, Manchester, smallware manufacturer.—**Benjamin Willmott Gabriel**, Stockport, Cheshire, cotton spinner.—**Alexander Bryce** and **James Shuttlewood Oswin**, Manchester, commission agents.—**James Nizon**, Lincoln, painter.—**Samuel Gooseman**, Great Grimsby, Lincolnshire, innkeeper.—**George Moore**, Perry Barr, Staffordshire, market gardener.—**William Smith**, Stoke-upon-Trent, Staffordshire, mercer.—**William Asbury**, Birmingham, engineer.—**James Cowton**, Birmingham, fruiterer.—**Edward Breeze**, Kingswinford, Staffordshire, grocer.

#### PETITION ANNULLED.

**James Collier**, Menston, Olney, Yorkshire, topmaker.

#### PARTNERSHIP DISSOLVED.

**John Whall** and **Henry Mason**, Workop and Wakofield, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

**Archibald Campbell**, Stornoway, hotel keeper.—**Andrew Henderson**, Govan, near Glasgow, builder.—**Alexander Telfer**, West Cowglen, Eastwood, Renfrewshire, farmer.—**Chas. Brown**, Stranraer, writer.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal of the United Kingdom, constituting and appointing Sir William Atherton, Knt., her Majesty's Solicitor-General, to be her Majesty's Attorney-General; and Roundell Palmer, Esq., one of her Majesty's Counsel, to be her Majesty's Solicitor-General.

The Queen has been pleased to appoint Simeon Jacobs, Esq., to be Attorney-General for the territories of British Kaffraria.

**COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery in England:—**John Bamford**, of Ashborne, Derbyshire; and **Joseph George Wilson**, of Alfreton, Derbyshire.

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B B



## GAZETTES.—FRIDAY, July 12.

## BANKRUPTS.

JOHN WHEELDON BENTON, Sun-street, Bishopsgate, City, picture-frame maker, July 25 at 11, and Aug. 29 at 12, London: Off. Ass. Bell; Sol. Wetherfield, 17, Devonshire-square.—Pet. f. July 4.

ISAAC BROWN, late of Brabant-court, Philpot-lane, but now of Philpot-lane, City, wine merchant, July 24 at 1, and Aug. 23 at 11, London: Off. Ass. Cannan; Sols. Hensman & Nicholson, 26, College-hill.—Pet. f. July 11.

MARY ANN PILON JONES, Buckingham-street, Strand, Middlesex, licensed victualler, July 24 at 12, and Aug. 23 at 2, London: Off. Ass. Whitmore; Sols. Wild & Barber, 10½, Ironmonger-lane.—Pet. f. July 10.

HENRY MONK, Shoeburyness, Essex, furniture dealer, July 23 at 2, and Aug. 23 at 1, London: Off. Ass. Whitmore; Sol. Wells, 47, Moorgate-street.—Pet. f. July 9.

JAMES FREDERICK INGLEDEW, Brighton, Sussex, coal merchant, July 24 at 11, and Aug. 23 at half-past 1, London: Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Pet. f. July 9.

JOHN GEORGE ANDREWS, Charles-street, Hatton-garden, Middlesex, licensed victualler, July 23 at half-past 12, and Aug. 23 at half-past 11, London: Off. Ass. Cannan; Sol. Edwards, 12, Fournival's-inn.—Pet. f. July 10.

PATRICK BROWN, Paddington-green, and West-place, Islington-green, Middlesex, glass merchant, July 25 at half-past 11, and Aug. 30 at 1, London: Off. Ass. Whitmore; Sols. Lawrence & Co., 12, Bread-street, Cheapside.—Pet. f. July 11.

ELIAZAR DEFRIES, Euston-road, and Taviton-street, Gordon-square, Middlesex, gas-meter manufacturer (carrying on business with Nathan Defries, as Defries & Son), July 23 at half-past 1, and Aug. 27 at 12, London: Off. Ass. Edwards; Sol. Lindus, 35, Bedford-row.—Pet. f. July 2.

ROBERT HALL, Great Warley, Essex, army clothier, July 15 at 11, and Aug. 13 at half-past 11, London: Off. Ass. Edwards; Sol. Preston (and not Wood, as previously advertised), 15, Broad-street-buildings.—Pet. f. July 2.

JOSEPH BRAIME, Methley, Yorkshire, grocer, July 29 and Aug. 20 at 11, Leeds: Off. Ass. Hope; Sols. Rayner, Horbury; Bond & Barwick, Leeds.—Pet. d. and f. July 11.

STEPHEN STORRY SMITHSON, Kingston-upon-Hull, provision merchant, July 24 and Aug. 21 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Lightfoot & Co., and Pettingell, Hull.—Pet. d. July 6.

JOHN BRUTON, Hereford, dealer in corn, July 26 and Aug. 16 at 11, Birmingham: Off. Ass. Whitmore; Sols. Garrold, Hereford; E. & H. Wright, Birmingham.—Pet. d. July 10.

CHARLES COCKAYNE, Cannock Chase, Brantwood, Staffordshire, builder, July 26 and Aug. 16 at 11, Birmingham: Off. Ass. Kinnear; Sols. Jackson, West Bromwich; E. & H. Wright, Birmingham.—Pet. d. July 10.

JOHN GURNEY MASON, Stamford, Lincolnshire, ironmonger, July 23 and Aug. 20 at half-past 11, Nottingham: Off. Ass. Harris; Sols. James & Knight, Birmingham; Shephard, 9, Sise-lane, London.—Pet. d. July 5.

WALTER ROBERTS, East Stonehouse, Devonshire, builder, July 23 and Sept. 2 at half-past 12, Exeter: Off. Ass. Hirtzel; Sols. Elworthy & Co., Plymouth.—Pet. f. July 11.

JOSEPH WORSLEY, Witton, Cheshire, draper, July 22 and Aug. 15 at 12, Liverpool: Off. Ass. Bird; Sol. Cheshire, Northwich.—Pet. f. July 9.

## MEETINGS.

*Frederick Young*, Basinghall-street, City, woollen warehouseman, Aug. 2 at half-past 11, London, last ex.—*Charles B. Mather*, Newbury, Berkshire, tea dealer, July 25 at 1, London, aud. ac.—*Wm. M'Cherry* and *Wm. M'Neill*, Adelaide-place, City, provision agents, July 23 at 1, London, aud. ac.—*Thomas Barton*, Liverpool, tanner, July 24 at 12, Liverpool, aud. ac.; Aug. 2 at 12, div.—*Elizabeth Copeland*, widow, March, Cambridgeshire, grocer, Aug. 2 at 2, London, div.—*Richard Bullamore*, Peterborough, Northamptonshire, baker, Aug. 2 at 12, London, div.—*John Calverley*, Bury-terrace, Westbourne-square, Middlesex, builder, Aug. 2 at half-past 1, London, div.—*Francis de Yrigoyti*, Muscovy-court, Tower-hill, City, wine merchant, Aug. 2 at 1, London, div.—*Morley Beart*, Upwell, Norfolk, brickmaker, Aug. 2

at half-past 1, London, div.—*Joseph Tongue*, Rugby, Warwickshire, bootmaker, Aug. 2 at 11, Birmingham, div.—*Thomas Highway* and *Charles Highway*, Walsall, Staffordshire, ironmasters, Aug. 5 at 11, Birmingham, div.—*Wm. S. Marshall*, Durham, cooper, Aug. 2 at half-past 11, Newcastle-upon-Tyne, div.—*Benjamin Robinson*, Huddersfield, Yorkshire, cloth merchant, Aug. 2 at 11, Leeds, div.—*Peter Whitecock*, Leeds, Yorkshire, grocer, Aug. 2 at 11, Leeds, div.—*Rodolphus Egan*, Bradford, Yorkshire, gunmaker, Aug. 2 at 11, Leeds, div.—*Thomas Holt*, Leeds, Yorkshire, retailer of beer, Aug. 2 at 11, Leeds, div.—*John Turner*, Halifax, Yorkshire, grocer, Aug. 2 at 11, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Colley*, Princes-street, Westminster, Middlesex, grocer, Aug. 2 at 11, London.—*James B. Gough*, Theberton-street, Liverpool-road, Islington, Middlesex, timber merchant, Aug. 2 at 2, London.—*Robert Bryant*, Newark, Suffolk, corn merchant, Aug. 2 at 1, London.—*Thomas F. Diamond*, Blue Boar-court, Friday-street, City, warehouseman, Aug. 3 at 11, London.—*John Jukes* the younger, Wharf-road, City-road, Middlesex, manufacturer of patent furnaces, Aug. 5 at 12, London.—*Wm. Dugard* the younger, Lapworth, Warwickshire, coach plater, Aug. 2 at 11, Birmingham.—*Joseph Harrison*, Birmingham, scaleboard manufacturer, Aug. 2 at 11, Birmingham.—*Ann Seale*, Liverpool, dealer in boots, Aug. 2 at 1, Liverpool.—*Samuel W. H. Wade*, Leeds, Yorkshire, wine merchant, Aug. 5 at 11, Leeds.

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## SCOTCH SEQUESTRATIONS.

*Reuben Brooks*, Glasgow, picture dealer.—*James Graham*, Dalquhat, Kirkoswald, farmer.—*Malcolm Black*, Glasgow, drysalter.—*David Langlands*, Letham, Forfarshire, wood merchant.

## TUESDAY, July 16.

## BANKRUPTS.

SAMUEL CARTER, Fen Stanton, near St. Ives, Huntingdonsire, corn merchant, July 26 and Aug. 29 at 1, London: Off. Ass. Johnson; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. July 12.

JAMES BALLS, Salcot, Essex, grocer, July 26 at 2, and Aug. 29 at half-past 11, London: Off. Ass. Bell; Sols. Harrison & Lewis, Old Jewry, London.—Pet. f. June 23.

NATHANIEL BALLARD, Faringdon, Berkshire, wool stapler, July 27 at 11, and Aug. 30 at 12, London: Off. Ass. Cannan; Sol. Plimsaul, 7, South-square, Gray's-inn, London.—Pet. f. July 13.

JOHN YATES, Berry-street, Clerkenwell, Middlesex, mustard manufacturer, July 27 at 12, and Aug. 23 at 1, London: Off. Ass. Whitmore; Sol. Redpath, 27, Walbrook, London.—Pet. f. July 15.

WILLIAM CASH, High-street, Portland-town, Middlesex, and Peterborough, Northamptonshire, grocer, July 27 and Aug. 30 at half-past 12, London: Off. Ass. Cannan; Sol. Treherne, 17, Gresham-street, London.—Pet. f. July 15.

GEORGE SCOTT, Alpha Works, Cubitt-town, Isle of Dogs, Middlesex, engineer, July 29 at half-past 11, and Aug. 26 at 11, London: Off. Ass. Pennell; Sols. Clarke & Morris, 29, Coleman-street, London.—Pet. f. July 9.

GEORGE GLAZEBROOK, Birmingham, Warwickshire, plumber, July 29 and Aug. 26 at 11, Birmingham: Off. Ass. Whitmore; Sols. Southall & Nelson, Birmingham.—Pet. d. July 5.

JOHN SHAW WALKER, Hill-top, West Bromwich, Staffordshire, licensed victualler, Aug. 2 and 23 at 11, Birmingham: Off. Ass. Whitmore; Sols. Jackson, West Bromwich; E. & H. Wright, Birmingham.—Pet. d. July 13.

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## THE JURIST.

LONDON, JULY 20, 1861.

As we are now pretty far advanced in the month of July, it is tolerably obvious that the present session of Parliament cannot last much longer; and, indeed, report assigns about the middle of August as the date of prorogation. Under these circumstances the inquiry naturally presents itself, how the remaining time of the Houses is likely to be employed, and what is the probability of useful legislative measures resulting from their deliberations. We shall restrict our attention to the subject of law reform, not only because it is the proper subject of a journal like the present, but also because it is one on which the present session has hitherto been singularly unproductive. The truth is, that a large number of measures, both of law reform and *soi-disant* law reform, have been brought forward during its course; many of which have been rejected, and several of the rest, having been more or less discussed, now await their fate. But it is most unsatisfactory to contemplate the number and importance of these latter, and compare them with the very limited time at the disposal of both Houses; to say nothing of the number of members who have left town, and will take no further part in the business of legislation this session, or of the exhausted energies of those who remain, and by whom that business must necessarily be dispatched. Apart from a number of measures of imperial concern, and several others affecting Ireland and Scotland only, the following measures of law reform, among others, remain for discussion.

First comes the Government measure for the amendment of the law of bankruptcy and insolvency. This bill, having passed the Commons, has received in the Lords some alterations of a most important kind, with some of which the Government have announced their intention to invite the House of Commons to disagree. Next come the seven bills for the consolidation and amendment of a large portion of the criminal law. These bills, which effect several very important alterations in the existing system, have just passed the Commons, and remain to be considered by the Lords. Then there are two bills relating to the wills of British subjects abroad; and then the Joint-stock Companies Bill, the Highways Bill, the County Courts Consolidation Bill, the Artistic Copyright Bill, the Copyright in Designs Bill, and the Trades Marks Bill. To these must be added the Indictable Offences (Metropolitan District) Bill; which involves the following important questions—first, whether the ancient institution of the grand jury ought to be abolished as useless; or, secondly, supposing the negative, whether there is any distinction in this respect between grand juries in the metropolis and grand juries in the provinces. There are also the bill, introduced by Mr. Locke, to extend to criminal cases the provisions of the Common-law Procedure Act, 1854, which allow persons who conscientiously object to taking oaths to give evidence on solemn affirmation; the bill introduced by Mr. M. Smith for the limitation of Crown suits, &c.

Last, but not least, is the proposal for the removal of the courts from Westminster; the conduct of the Government respecting which is undecided and mysterious enough. Their plan is comprised in two bills,

intituled respectively "The Courts of Justice Building Bill" and "The Courts of Justice Building (Money) Bill," both of which may be seen in the last number of *THE JURIST* (ante, p. 273); the object of the former being to enable the Crown to build a court of justice; and take the necessary land for that purpose; that of the latter, to supply funds for it. After the present session had tolerably advanced the first of these bills was brought in, when it was referred to a select committee; and it has since passed the Commons, and been sent up to the Lords, the Government declaring that it will be wholly inoperative unless the second bill passes. This second bill was brought into the Commons at the latter end of June, when it was proposed to refer it to a select committee; several members suggesting Lincoln's-inn for a site, instead of that previously fixed. This the Government resisted for a time, but afterwards yielded, and the bill has been referred to a select committee, with an important instruction to consider the question of site. Thus the matter remains.

The proposal to remove the superior courts from Westminster is not a new one. Several years ago it was proposed to transfer them to a building to be erected in Lincoln's-inn-fields; which was objected to on several grounds, and, among others, that it would have the effect of stopping up one of the lungs of the metropolis. For some time past the equity judges have sat in temporary courts erected in Lincoln's-inn. In 1858 a committee was appointed by her Majesty, under her sign-manual, to consider the matter, who reported in favour of the project, and for a site recommended a space between Carey-street and Fleet-street, specified in the first of the bills. (See the report, 6 Jur., N. S., part 2, pp. 290 et seq.) When, however, as already stated, the question was brought before the House of Commons this session, several members strongly advocated Lincoln's-inn-fields for the site, and the instruction already mentioned was added to the questions to be considered by the committee on the bill.

The superior courts have now sat at Westminster for at least six centuries; consequently that site for them has in its favour every prestige that can be derived from custom and antiquity; and it is obvious ought not to be disturbed without the clearest and most sufficient reasons. The reason assigned for the proposed change is, that this country, like some others, ought to have a "Palace of Justice"—i. e. a building in which *all* the principal courts of justice should be collected under one roof; the great objection to the existing state of things being, that counsel are put to great inconvenience and expense in running from one part of the metropolis to another to attend the different tribunals. But when we come to examine the Government project it will be found to fall far short of supplying a remedy for this.

Supposing the new Palace of Justice built, let us see what consequences are expected to follow. By sect. 3 of the first of these bills the purposes of both acts are declared to be "the acquisition in the same neighbourhood of a convenient site for the accommodation of the superior courts of law and equity, or some of them, the Probate and Divorce Courts, and the Courts of Admiralty and Bankruptcy, and the various offices connected with them, and of such other courts and offices for the public service as may from time to time be prescribed by the Commissioners of her Majesty's Treasury, and the erection on such site of suitable buildings, with all proper furniture and conveniences, and the constructing and doing such works and things

as are conducive to the attainment of the above purposes, or any of them, or incidental thereto." If this passes into law, scarcely more than one-half of the courts in the metropolis will be brought together. The highest tribunal of all—the House of Lords—will still remain at Westminster; the Privy Council at Downing-street; the Central Criminal Court at the Old Bailey, nearly two miles off; and the Middlesex Sessions at Clerkenwell-green, a still greater distance: and we confess we do not see much chance of the consolidation of these with the rest at a future time, under the general words at the end of the section, even supposing those words would embrace the case.

Another difficulty arises on that part of the second bill which proposes to raise funds for the purpose of building the proposed Palace of Justice. A majority of the commissioners recommended the appropriating certain funds for this purpose, and, among others, the Suits Fund in Chancery; and this recommendation has been adopted in the bill. The remaining commissioner, Sir W. P. Wood, V. C., objected to this as being in the nature of a breach of trust, or, at least, a misappropriation of that fund. (See 6 Jur., N. S., part 2, p. 344).

One other matter remains. If these bills pass, a large building, of a national character, must be constructed; and the example of the Houses of Parliament ought to teach our rulers a lesson of caution. The original estimate for that much-vaunted edifice was only a few hundred thousand pounds, instead of which 2,500,000*l.* has already been spent, and more money is still asked for. Nor is this the worst. The building is singularly ill adapted for hearing, the stone of which it is constructed already begins to crumble away, and marks of decay are visible in several of the frescoes on the walls. In short, the Houses of Parliament are somewhat in the position of the Cathedral of Cologne—at once unfinished and a ruin; with this important difference—that the decay of the latter is legitimately from age; the decay of the former being the result of fraud or incompetency on the part of all or some of the parties employed in its construction, and, on the very mildest hypothesis, imbecility and credulity on that of their employers. A repetition of this is surely not desirable; but we have not as yet been informed whether, in the event of a new building being required for the new courts, the Government intend to take any or what securities to prevent it. At all events, it is evident that the whole question is one well deserving a most attentive consideration on the part of the Legislature—a consideration which, in the present state and circumstances of the session, it is utterly impossible it should receive.

## REGULA GENERALIS.

### ORDER OF COURT.—JULY 13, 1861.

The Right Hon. RICHARD BARON WESTBURY, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. Sir JOHN ROMILLY, Master of the Rolls, the Hon. the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, the Hon. the Vice-Chancellor Sir JOHN STUART, and the Hon. the Vice-Chancellor Sir WILLIAM PAGE WOOD, doth hereby, in pursuance and execution of all powers and authorities enabling him in that behalf, order and direct in manner following:—That in all cases in which a bill of complaint shall have been or shall be ordered to be taken pro confesso against any defendant or defendants, such bill may be read at the hearing from a printed copy thereof, stamped with a proper stamp, by one of the Clerks of Records and Writs, indicating the filing of such bill of complaint, and the date of.

the filing thereof; and where such bill shall have been amended, the same may be read from a printed copy thereof, or from a copy thereof partly printed and partly written, stamped with the proper stamp, by one of the Clerks of Records and Writs, indicating the amendment of such bill and the date thereof, without the attendance of the Clerk of Records and Writs, as hath hitherto been the practice.

WESTBURY, C.

JOHN ROMILLY, M.R.

RICH'D. T. KINDERSLEY, V. C.

JOHN STUART, V. C.

W. P. WOOD, V. C.

#### COMMON-LAW VACATION BUSINESS AT THE JUDGES' CHAMBERS.

July 8, 1861.

THE following regulations for transacting the business at these chambers will be strictly observed till further notice:—

Acknowledgments of deeds will be taken at half-past ten o'clock.

Original summonses only to be placed on the file.

Summonses adjourned by the judge will be heard at eleven o'clock precisely, according to the number on the adjournment file, and those not on that file previous to the numbers of the day being called will be placed at the bottom of the general file.

Summonses of the day will be called and numbered at a quarter after eleven o'clock, and heard consecutively.

The parties on two summonses only will be allowed to attend in the judge's room at the same time.

All long orders to be left, that they may be ready on being applied for the following day.

Counsel will be heard at half-past one o'clock; the name of the cause to be put on the counsel file, and heard according to number.

Affidavits in support of *ex parte* applications for judge's orders (except those for orders to hold to bail) to be left the day before the orders are to be applied for, except under special circumstances, such affidavits to be properly indorsed with the names of the parties and of the attorneys, and also with the nature of the application, and a reference to the statute under which any application is made, the party applying being prepared to produce the same.

All affidavits read or referred to before the judge to be properly indorsed and filed.

Further time to plead will not be given as a matter of course.

#### COSTS OF SPECIAL JURY.

THE following appears in the daily papers:—

COURT OF COMMON PLEAS.—SECOND COURT.

[Sittings at Nisi Prius, before WILLES, J., and a Special Jury.]

July 6.—In a case sent over from the other court for the purpose of taking a verdict by consent, some argument took place on the propriety of allowing the costs of a special jury. The plea was one almost imputing fraud, and it was urged that a similar plea was pleaded every day.

WILLES, J.—All I can say is, that whenever I try a cause in which such a plea is pleaded without good reason, I shall always certify for a special jury against the defendant.

The plaintiff's counsel said, "It would be well that your Lordship's intimation should go forth to the world."

#### DISTRICT REGISTRARS OF THE COURT OF PROBATE.

We take the following from *The Solicitors' Journal*:—

Deputations from the Metropolitan and Provincial Law Association, and the Manchester, Birmingham, and Lincoln Law Societies, have had an interview with Sir C. Cresswell on the subject of the General Order, issued a short time since, respecting the business to be transacted by the registrars of the district courts of probate. In the course of the interview his Lordship intimated that any proposal for an alteration in the Order must receive the previous sanction of the Lords of the Treasury, their Lordships having, on the faith of the new Order, made their arrangements respecting the salaries of the district registrars.

In consequence of the above suggestion of Sir C. Cresswell, the Metropolitan and Provincial Law Association has forwarded to the Lords of the Treasury a memorial, of which the following is a copy:—

"To the Right Honourable the Lords Commissioners of her Majesty's Treasury.

"The humble memorial of the Metropolitan and Provincial Law Association sheweth—

"That the Metropolitan and Provincial Law Association is composed of nearly 800 practising attorneys and solicitors in England and Wales.

"That by recent Orders of your Lordships and of the Judge of the Probate Court the district registrars of such court are required to prepare for personal applicants the necessary affidavits and evidence in support of their applications for probates and letters of administration, at a lower scale of fees to be taken for the use of the Government than that prescribed to be taken by solicitors for their own use.

"That Government has thus commenced to compete with solicitors for a portion of their professional employment, by offering to perform, by means of salaried officials, professional business for less than professional fees.

"That the result of this competition is likely to be to attract to the Government officials the whole of the non-contentious business of the court, which is vastly more in amount and importance than the contentious business.

"That for the Government to enter upon such a competition would be harsh and oppressive towards any profession or calling, and is especially so towards a profession which is highly and exceptionally taxed, and which, in respect of such excessive taxation, is entitled to receive from Government protection against all invasion of its legitimate professional functions; and yet it is believed that it is the only profession or calling with which the Government has as yet sought to compete in the acquisition and transaction of business.

"That your memorialists view with great alarm the introduction of a system which, if extended, may work great injustice and hardship on the legal and also on other professions and callings, and may very much encroach upon the independent action and freedom from officialism which have hitherto happily prevailed in this country.

"That this invasion of the practice of solicitors is a breach of the understanding upon which, on the passing of the Probate Act, on the one hand, the whole body of proctors were at once admitted as solicitors; whilst as an equivalent, on the other, the business previously transacted by proctors, of which the non-contentious is the more valuable portion, was thrown open to solicitors.

"That if the Government should still think it right to transact the business in question, it would be but

just that it should do so only at the same scale of fees as are thought to be a fair remuneration to solicitors.

"That it is not advantageous to the community that facilities and encouragement should be offered to personal applications for the grants of probates and letters of administration, inasmuch as the registrars cannot, in most cases, know anything of the applicants personally, nor have any means of protection against fraud and forgery; whilst a solicitor must in every case know something, at least, of the applicants, and generally all the peculiar circumstances upon which a judgment could be formed as to the propriety of granting or refusing the application. It is quite compatible with the system of permitting personal application that probates of forged wills and grants of letters of administration to living persons may be obtained, and that without difficulty, and the funded and other personal property of the supposed deceased be realised, and the fraudulent parties have absconded with the proceeds, before the owner could be aware of the transaction. The registrar can have no means of judging whether the will produced is a genuine or a forged one, whether the supposed deceased be really living or dead, whether there be or be not a subsequent will to that propounded, nor whether the testator was sane or insane, or under undue influence; whilst, on the contrary, the solicitor, who is responsible as an officer of the court, feels it to be his duty to inquire into all these circumstances.

"That in the Manchester district registry a case has already recently happened, viz. that of Ann Dean, in which, upon personal application to the registrar, probate of a forged will has been obtained; and the present system offers every facility for the repetition of such an imposition.

"That to permit the same official, who is constituted the arbiter and judge of the sufficiency of the evidence which may be brought before him to entitle the applicant to grant of probate or administration, to be the preparer and getter up of such evidence, is inconsistent with all known systems of jurisprudence in this country, and with all correct principle, and a dangerous innovation in itself, and the duties which the registrars now have to perform under it are inconsistent and conflicting.

"Your memorialists therefore humbly pray that your Lordships will take such measures, in concert with the Judge of the Probate Court, as will prohibit the registrars from preparing, or being in anywise concerned in preparing, the evidence in support of applications for grants of probate or administration; and that in the meantime your Lordships will be pleased to direct that the fees to be taken by them for so doing shall be the same as those which are now prescribed to be taken by solicitors.

"And your memorialists will ever pray, &c.

"Signed, on behalf of the Metropolitan and Provincial Law Association,

"J. S. TORR, Chairman.

"PHILIP RICKMAN, Secretary."

## PROCEEDINGS IN PARLIAMENT.

### HOUSE OF COMMONS.

*July 15.*—The House went into committee on the Bill for consolidating the Statutes relative to Offences against the Person. An amendment was carried, that conspiracy to murder should be punishable as a misdemeanour, and not as a felony.

*July 16.*—Lord Palmerston stated that it was the intention of the Government to proceed with the Bankruptcy and Insolvency Bill, and to consider the amendments introduced by the House of Lords, with

some of which they should invite the House to disagree.

The Crown Suits Limitation Bill passed through committee.

The Offences against the Person Bill was read a third time and passed.

## BILL IN PROGRESS.

### CROWN SUITS LIMITATION.

(MR. MONTAGUE SMITH, MR. ROLT, AND MR. BOVILL).

*A Bill to amend the Act of the 9 Geo. 3, c. 16, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall.*

Whereas, by an act passed in the 9 Geo. 3, c. 16, provision is made for limiting the right of the King's Majesty to sue and implead any person for or concerning lands and hereditaments, or the rents, issues, or profits thereof, and for quieting possessions and titles against the Crown: and whereas the good purpose of that act has not been fully obtained, by reason of the provisions therein relating to lands and hereditaments which have been in charge to her Majesty, or have stood insuper of record, and also by reason of certain provisions therein relating to lands and hereditaments part or parcel of honours, manors, or other hereditaments: be it therefore enacted &c. as follows:—

SECT. 1. The Queen's Majesty, her heirs and successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons for or in anywise concerning any manors, lands, tenements, rents, tithes, or hereditaments whatsoever (other than liberties or franchises) which such person or persons, or his or their, or any of their, ancestors or predecessors, or those from, by, or under whom they do or shall claim, have or shall have held or enjoyed or taken the rents, revenues, issues, or profits thereof by the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, by reason only that the same manors, lands, tenements, rents, tithes, or hereditaments, or the rents, revenues, issues, or profits thereof, have or shall have been in charge to her Majesty, or her predecessors or successors, or stood insuper of record, within the said space of sixty years, but that such having been in charge, and such standing insuper of record, shall be, as against such person and persons, and all claiming by, from, or under them, or any of them, of no force and effect.

2. And whereas an act was passed in the session held in the 7 & 8 Vict. c. 105, "for quieting titles within the county of Cornwall as against the Duchy of Cornwall, and other purposes:" and whereas another act was passed in the session held in the 23 & 24 Vict. c. 53, "for the limitation of actions and suits by the Duke of Cornwall in relation to real property, and for other purposes:" and whereas it is expedient that the limitation applicable to actions and suits by the Crown should be made applicable to actions and suits by the Duke of Cornwall: be it enacted, that the provisions of this act hereinbefore contained applicable to the Queen's Majesty shall extend and be applicable to the Duke of Cornwall, and to the said two last-recited acts, in the same manner as if the Duke of Cornwall were hereinbefore mentioned or referred to where the Queen's Majesty is mentioned or referred to; and this act shall be construed together with, and be deemed to form part of, the said two last-recited acts.

3. The Queen's Majesty, her predecessors and successors, shall not be held, deemed, or taken, for the purposes of the said act of the 9 Geo. 3, c. 16, to have been answered the rents, revenues, issues, or profits of any lands, manors, tenements, rents, tithes, or hereditaments which shall have been held or enjoyed, or of which the rents, revenues, issues, or profits shall have been taken, by any other persons or person, by the space of sixty years next before the filing, issuing, or commencing of any such action, suit, plaint, information, commission, or other suit or proceeding for recovering the same, or in respect thereof, as in the said act is mentioned, by reason only of the same lands, manors, tenements, rents,

tithes, or hereditaments having been part or parcel of any honour or manor or other hereditaments of which the rents, revenues, issues, or profits shall have been answered to her Majesty, or her predecessors or successors, or some other person under whom her Majesty hath or lawfully claimeth, or shall hereafter have or lawfully claim, as aforesaid, or of any honour, manor, or other hereditaments which shall have been duly in charge to her Majesty, her predecessors or successors, or stood insuper of record as aforesaid.

**DIVORCE COURT.**—The applications to have the marriage knot untied, or cut, do not much diminish, though the arrears of past years ought by this time to be getting few. The returns just published shew that in the year 1860, 212 petitions were filed for dissolution of marriage, only one less than in 1859; and there were 62 petitions for judicial separation, 18 less than in the previous year. There were 13 applications for restitution of conjugal rights in 1860; 141 causes were tried. The fees received amounted to 2490*l.*—*Times.*

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed William Thrush Jefferson, Gent., of Northallerton, Yorkshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women in and for the North Riding of the county of York.

**WILLIAM JAMES WINDRAM and EDWARD SQUIRE TEBBUTT**, Leicester, elastic-web manufacturers, July 26 and Aug. 13 at 11, Nottingham: Off. Ass. Harris; Sols. Stone & Co., Leicester.—Pet. d. July 15.

**WILLIAM MARTIN, ALFRED PHILLIPS YOULE, and WILLIAM RICHARDSON ROEBUCK**, Doncaster, Yorkshire, iron manufacturers, Aug. 3 and 31 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdekin, Sheffield.—Pet. d. and f. May 27.

**WILLIAM NEWSHAM**, Blackburn, Lancashire, innkeeper, July 26 and Aug. 16 at 12, Manchester: Off. Ass. Pott; Sols. Sales & Co., Manchester.—Pet. f. July 8.

**WILLIAM RONALD**, Manchester, warehouseman, Aug. 1 and 22 at 12, Manchester: Off. Ass. Fraser; Sols. Higson & Robinson, Manchester.—Pet. f. July 7.

#### MEETINGS.

**Charles Harratt**, Royal Exchange-buildings, City, and Canning-town, Bow-creek, West Ham, Essex, iron merchant, July 30 at 11, London, pr. d.—**Wm. Smith and William F. Patient**, Bermondsey New-road, Surrey, tanners, July 26 at 11, London, last ex. of **William F. Patient**.—**James Lemere**, Victoria-row, Old Ford, North Bow, Middlesex, oilman, July 30 at half-past 11, London, and. ac.—**Stephen Sams Shortt**, Shoreditch, Middlesex, shoe manufacturer, July 30 at 11, London, and. ac.—**John Walker**, Liverpool and Rochdale, Lancashire, tobaccoconist, July 30 at 11, Liverpool, and. ac.; Aug. 7 at 11, div.—**Joseph Allen**, Radcliffe-bridge, Lancashire, smallware manufacturer, July 30 at 12, Manchester, and. ac.; Aug. 6 at 12, div.—**James King**, Shawforth, near Rochdale, Lancashire, cotton manufacturer, July 30 at 12, Manchester, and. ac.; Aug. 7 at 12, div.—**Alexander Bryce and James Shuttlewood Orwin**, Manchester, merchants, Aug. 2 at 12, Manchester, and. ac.; Aug. 8 at 12, div.—**W. Nathaniel Evans and Robert Buncombe Evans**, Colyton, Devonshire, tanners, Aug. 5 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**George Drake**, St. Thomas the Apostle, Devonshire, glover, Aug. 5 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**C. Coleman**, Halgavor-mills, near Bodmin, Cornwall, seed merchant, Aug. 5 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**Thomas Digby**, Ottery St. Mary, Devonshire, tailor, Aug. 5 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**A. Williams**, Melcombe Regis and Weymouth, Dorsetshire, builder, Aug. 5 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**N. Tucker**, Moorwinnow, Cornwall, cattle salesman, Aug. 6 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**Guillaume Guillaume**, St. Leonard and Exeter, Devonshire, watchmaker, Aug. 6 at 12, Exeter, and. ac.; Aug. 15 at 12, div.—**George Elston**, Crediton, Devonshire, shoe manufacturer, Aug. 6 at 12, Exeter, and. ac.—**James Nison**, Lincoln, painter, Aug. 7 at

12, Leeds, aud. ac. and div.—**Henry Charles Chown**, Sheffield, Yorkshire, shoe dealer, July 27 at 10, Sheffield, and. ac.—**Charles Kitchen Ashley**, Sheffield, Yorkshire, common brewer, July 27 at 10, Sheffield, and. ac.—**James Mark Martin**, Chesterfield, Derbyshire, ironmonger, July 27 at 10, Sheffield, and. ac.—**Edward Ellis Hill**, Liverpool, merchant, Aug. 7 at 12, Liverpool, div.—**Daniel Jones**, Wrexham, Denbighshire, coach builder, Aug. 7 at 12, Liverpool, div.—**T. Rue**, East Stonehouse, Devonshire, draper, Aug. 12 at half-past 12, Plymouth, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Benjamin Carman and Robert Bailey**, Harwich, Essex, cabinet makers, Aug. 7 at half-past 12, London.—**Wm. H. Hamburgh**, High-street, Poplar, Middlesex, upholsterer, Aug. 7 at 1, London.—**John Edward Smith**, Trump-street, Cheapside, City, shirt manufacturer, Aug. 7 at 2, London.—**Benjamin Bateman**, Norwich, tea dealer, Aug. 8 at 1, London.—**Frederick Johnstone**, Eastbourne-terrace, Paddington, and Curzon-st., May-fair, Middlesex, lodging-house keeper, Aug. 8 at half-past 1, London.—**Abraham Cohen**, George-st., Minorities, City, wine merchant, Aug. 7 at half-past 1, London.—**Wm. Seymour Marshall**, Durham, cooper, Aug. 9 at half-past 11, Newcastle-upon-Tyne.—**Alfred Williams**, Melcombe Regis and Weymouth, Dorsetshire, builder, Aug. 8 at 12, Exeter.—**George Milne**, Plymouth, Devonshire, draper, Aug. 12 at half-past 12, Plymouth.—**Solomon Higgs**, Darby-end, Dudley, Worcestershire, grocer, Aug. 7 at 11, Birmingham.—**Joseph Maurice Marks**, Birmingham, cabinet maker, Aug. 8 at 11, Birmingham.—**John Tonks**, Birmingham, victualler, Aug. 8 at 11, Birmingham.—**Joseph Matthews**, Holywell, Flintshire, innkeeper, Aug. 7 at 11, Liverpool.—**Patrick Preston**, Liverpool, boot manufacturer, Aug. 8 at 12, Liverpool.—**Robert Foster**, Tranmere, Cheshire, engineer, Aug. 8 at half-past 12, Liverpool.—**Robert W. Kirkus**, Walton-on-the-Hill, near Liverpool, chemist, Aug. 8 at 11, Liverpool.

*To be granted, unless an Appeal be duly entered.*

**Henry Martin**, Southampton, tailor.—**Jacob Isenborg and Daniel Myers**, Skinner-street, Snow-hill, City, shoe warehousemen.—**George F. Barratt**, Guildford-place, Bagnigge-wells-road, Clerkenwell, Middlesex, ironfounder.—**H. Blake**, Shide, near Newport, Isle of Wight, Hampshire, corn merchant.—**Richard Bullamore**, Peterborough, Northamptonshire, baker.—**Wm. Dudley**, Metropolitan Market, Islington, Middlesex, licensed victualler.—**John Lake**, Penge, Surrey, builder.—**John Miller**, Chandos-street, Covent-garden, Middlesex, bookseller.—**Alfred Aubert**, St. Mary-axe, City, shipbroker.—**John Eaton**, Attleborough, Norfolk, commission agent.—**James Rogerson**, East Hartlepool, Durham, woollen draper.—**Edward Kirby**, Liverpool, and **Saml. Bracegirdle**, Northwich, Cheshire, timber merchants.—**Enoch Fairhurst**, Ormskirk, Lancashire, grocer.—**James King**, Shawforth, near Rochdale, Lancashire, cotton manufacturer.—**Joseph Buzton**, Manchester, drysalter.—**Joseph Allen**, Irwell Foundry, Radcliffe Bridge, Lancashire, smallware manufacturer.—**Brook Hodgson**, Halifax, Yorkshire, velvet manufacturer.—**James Booth the younger**, Bramley, Yorkshire, worsted manufacturer.—**Abraham Moore**, Wednesbury, Staffordshire, chemist.—**Wm. S. Partridge**, Birmingham, surgeon.—**Thomas Mould**, Sudbury, Derbyshire, farmer.—**Samuel Cooke**, Nottingham, carpenter.—**George Jackson**, Birmingham, tobaccoconist.—**Minshull G. Phillips**, Newcastle-under-Lyme, Staffordshire, mercer.

#### PETITIONS ANNULLED.

**John Crossley** the younger, Manchester, and Hebden-bridge, Yorkshire, cotton spinner.—**Joseph Parkes**, Birmingham, coal merchant.

#### PARTNERSHIP DISSOLVED.

**James Richardson, James Wm. Hamilton Richardson, and Wm. Henry Gaunt**, Leeds, Yorkshire, attorneys-at-law, solicitors, conveyancers, money scriveners, and Parliamentary and patent agents (so far as regards **Wm. Henry Gaunt**).

#### SCOTCH SEQUESTRATIONS.

**James P. Macdonald**, Dunfermline, Fifeshire, merchant.—**Mrs. M. Watson**, widow, Edinburgh, draper.—**J. Liveston**, sen., deceased, Forfar, spirit dealer.—**Muir & Hepburn**, Larkhall, Dalserf, builders.—**Wm. A. Sutherland**, deceased, Edinburgh, bookseller.—**David Cross**, Hamilton, Lanarkshire, general merchant.

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## GAZETTES.—FRIDAY, July 19.

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EDWIN MAW, Birmingham, engineer, Aug. 2 and 23 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. d. July 16.

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SARAH BANNISTER, Leominster, Herefordshire, wool dealer, July 31 and Aug. 28 at 11, Birmingham: Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. d. July 8.

WILLIAM MALKIN, Macclesfield, Cheshire, wine merchant, Aug. 1 and 29 at 12, Manchester: Off. Ass. Herniman; Sols. Parrott & Co., Macclesfield.—Pet. f. July 12.

## MEETINGS.

John Baker, Heathfield, Sussex, tanner, Aug. 2 at 11, London, aud. ac.—*Frank Adams*, Hammersmith, Middlesex, lighterman, Aug. 1 at half-past 11, London, aud. ac.—*Wm. Braddon*, Holloway, Middlesex, coal merchant, July 31 at half-past 11, London, aud. ac.—*Wm. Benning*, Fleet-street, City, law bookseller, July 31 at 12, London, aud. ac.; Aug. 10 at 11, div.—*J. Calverley*, Bury-terrace, Westbourne-square, Middlesex, builder, July 31 at 11, London, aud. ac.—*Francis de Yrigoyti*, Muscovy-court, Tower-hill, City, wine merchant, July 31 at 11, London, aud. ac.—*S. U. Culley*, Coleman-street, City, and Priory-grove, West Brompton, Middlesex, wine merchant, July 31 at 12, London, aud. ac.; Aug. 10 at 12, div.—*Morley Beart*, Upwell, Norfolk, brickmaker, July 31 at 11, London, aud. ac.—*Richard Bullamore*, Peterborough, Northamptonshire, baker, July 31 at half-past 11, London, aud. ac.—*Wm. East*, Sudbury, Suffolk, currier, July 30 at half-past 1, London, aud. ac.—*Charles R. Pettit*, Marlborough, Wiltshire, corn dealer, Aug. 1 at 11, Bristol, aud. ac.—*James Aldred*, Manchester, innkeeper, Aug. 27 at 11, Manchester, aud. ac.—*Wm. S. Marshall*, Durham, cooper, Aug. 1 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*E. Fairhurst*, Ormakirk, Lancashire, grocer, July 30 at 12, Liverpool, aud. ac.—*Henry W. Lupton*, Liverpool, licensed victualler, July 30 at 11, Liverpool, aud. ac.—*James Manion*, Liverpool, leather dealer, Aug. 2 at 11, Liverpool, aud. ac.—*John Anderton*, Liverpool, stonemason, Aug. 2 at 11, Liverpool, aud. ac.—*James Graham*, Liverpool, blue manufacturer, July 30 at 11, Liverpool, aud. ac.—*Alfred Nixon*, Liverpool, merchant, Aug. 2 at 11, Liverpool, aud. ac.—*R. W. Kirkus*, Walton-on-the-Hill, near Liverpool, chemist, July 30 at 11, Liverpool, aud. ac.—*Spencer Percival Pennell*, Liverpool, commission merchant, July 30 at 11, Liverpool,

aud. ac.—*Rodolphus Egan*, Bradford, Yorkshire, gun maker, Aug. 1 at 11, Leeds, aud. ac.—*John Turner*, Halifax, Yorkshire, grocer, Aug. 1 at 11, Leeds, aud. ac.—*Thomas Holt*, Leeds, Yorkshire, retailer of beer, Aug. 1 at 11, Leeds, aud. ac.—*Peter Whitelock*, Leeds, Yorkshire, grocer, Aug. 1 at 11, Leeds, aud. ac.—*Benjamin Robinson*, Huddersfield, Yorkshire, cloth merchant, Aug. 1 at 11, Leeds, aud. ac.—*S. Sheard*, Birstal, Yorkshire, currier, Aug. 9 at 11, Leeds, div.—*Joseph Harland and Richard Read*, Leeds, Yorkshire, cloth merchants, Aug. 9 at 11, Leeds, div.—*Joseph Harland*, Leeds, Yorkshire, cloth merchant, Aug. 9 at 11, Leeds, div.—*Griffith Evans*, Tyn-rhos, near the Valley, Anglesey, corn merchant, Aug. 15 at 11, Liverpool, div.

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JOHN WISE, Stourbridge, Worcestershire, victualler, Aug. 2 and 23 at 11, Birmingham: Off. Ass. Whitmore; Sols. Prescott, Stourbridge; Smith, Birmingham.—Pet. d. July 18.

GEORGE TURNER, New Radford, Nottinghamshire, brewer, Aug. 8 and 23 at half-past 11, Nottingham: Off. Ass. Harris; Sols. Campbell & Co., Nottingham.—Pet. d. July 19.

GEORGE HILL, South Milford, Yorkshire, grocer, Aug. 2 and 30 at 11, Leeds: Off. Ass. Young; Sol. Naylor, Leeds.—Pet. d. July 11; f. July 12.

WILLIAM PROCTOR, New Wortley, Leeds, Yorkshire, builder, Aug. 2 and 30 at 11, Leeds: Off. Ass. Young; Sol. Smith, Leeds.—Pet. d. and f. July 20.

JOSEPH SIDDALL, Wath-upon-Deane, Yorkshire, auctioneer, Aug. 3 and 31 at 10, Sheffield: Off. Ass. Brown; Sols. Smith & Atkinson, Doncaster; Bond & Barwick, Leeds.—Pet. d. July 19.

WILLIAM PORTER WALTON, Kingston-upon-Hull, corn merchant, Aug. 14 and Sept. 11 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Wells & Smith, Hull.—Pet. d. July 15.

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## THE JURIST.

LONDON, JULY 27, 1861.

It has been decided by the House of Lords, in the important case of *The President and Scholars of St. Mary Magdalen, Oxford v. The Attorney-General* (6 H. L. C. 189)—reversing the decision of Sir J. Romilly, M.R., 18 Beav. 223—in the first place, that charities are trusts within the operation of the Statute of Limitations, 3 & 4 Will. 4, c. 27; and, in the next place, that the poor are a "class of persons" within the meaning of the act, so that time will run against their claims to a charity, in the same way as it would against the claims of any individual or class of individuals, none of them labouring under any disability. It is not our intention to comment on or question the propriety of this decision; but we cannot help expressing our regret that a case of such great difficulty, affecting other cases of such deep importance to the public, especially of those persons among us who are least able to care for themselves or their interests, should have been decided by the House of Lords in the presence and by the advice of two law peers only. In *The Magdalen College case*, sixty years after an alienation of certain lands by the rector and churchwardens (trustees for the poor of a parish), who granted a lease for ever, at a fixed rent-charge, to Magdalen College, the House of Lords, on an information being filed to set aside the transaction, held that a suit could not be maintained (unless against the trustees), except within twenty years, the defendants to the information being purchasers for value. This case was afterwards, though evidently with some reluctance, followed by the full

Court of Appeal in the case of *The Attorney-General v. Davey* (3 De G. & J. 136), reversing the decision of Sir J. Romilly, M.R. (reported 19 Beav. 521), and holding that the Statute of Limitations ran against the inhabitants of a parish where land had been aliened for a long and improvident lease of 500 years, at a rent which had been regularly paid, equally with the case where the alienation was in fee.

It appears to us that the two cases proceed upon the same principle, and that the Court of Appeal could not have decided otherwise without departing from the spirit of the decision in the House of Lords.

In a recent case, however, the Master of the Rolls, assuming himself to be bound by the decision of the House of Lords in *The Magdalen College case*, has, we venture to submit, gone a good deal beyond it. The case we allude to is that of *The Attorney-General v. Payne* (27 Beav. 168). It appears there, and from a former report of the case (12 Beav. 113), that Wyggeston's Hospital had been established "for the continuance and increase of pious worship, and for the greater relief and support of the poor and helpless afflicted; and that the chaplains and poor of the hospital were in May, 1572, by letters-patent, made a body corporate and politic by Queen Elizabeth, who granted to them the manors, &c., which formerly belonged to their founder. And by ordinances made in 1574, pursuant to a power contained in the letters-patent, the master of the hospital was to have full control over all the rents, &c., to conclude for the making of leases of the lands and possessions of the hospital, such lands to be leased for one, two, or three lives, and not above; and upon such leases so much rent, or more, should be reserved as had been commonly

paid for the same within the space of twenty years next before such lease; that the master should employ *all rents, &c.*, arising from the lands of the hospital (other than the fines for leases), *to the only use and commodity of the hospital, and the incorporation thereof*. The fines for leases the master was to take and convert to his own proper use, and to the increase of his living. He was also to have certain other stipends and emoluments. The visitors were to have power to examine the faults and misbehaviour of the master, with power to deprive him, upon cause duly heard, either for wilful and immeasurable wasting or consuming any of the lands, by reason of *unprofitable and outrageous leases*," &c. It appeared, moreover, that the net rental of the property of the hospital amounted to no less than 6988*l.* a year, but, by the improvident mode of letting which had been pursued, an average income of 1200*l.* a year only was produced to the charity, of which about 532*l.*, consisting of fines on renewals, were received by the master. This being the state of affairs, it appears that in 1793 one Dr. Selwyn was appointed master of the hospital; and by a lease, dated the 11th May, 1816, and made between the hospital (by its corporate name) of the one part, and one Pares of the other part, in consideration of the surrender by Pares of two existing leases, dated in 1806 and 1811, and of the rents and covenants thereinafter mentioned, the hospital demised part of the charity property to Pares for three lives, at a rent of 5*l.* 16*s.*, and some other trifling reservations. The lease was under the corporate seal, and was signed by Dr. Selwyn as master of the hospital. The rent was very inadequate, and Pares was a mere trustee for Dr. Selwyn, the master, in whose favour he immediately afterwards executed a declaration of trust. A similar lease of another part of the corporate property was made on the 3rd April, 1823, followed by a similar declaration of trust. In 1823 Dr. Selwyn died, having devised his leaseholds in trust for his daughter and her husband successively for life, with remainder amongst their children as they should appoint; and in default, amongst them equally. There were eight children of Dr. Selwyn's daughter living, and in 1828, 1839, 1842, 1843, and 1847 respectively, prior to the marriage of six of their children, one-eighth share of the leaseholds was duly appointed to each, and then settled on their respective wives, husbands, and issue. An information, alleging a case of concealed fraud, was filed, to obtain a declaration that the two leases of the 11th May, 1816, and the 3rd April, 1823, were improper and fraudulent as against the charity, and to have them set aside.

The parties entitled under the settlements claimed to be purchasers "for valuable consideration, without notice of any fraud or irregularity in the granting or obtaining of the two leases."

The testator's daughters and the other children claimed the benefit of the Statute of Limitations. Sir J. Romilly, M. R., held that the procuring of the leases by the master of the hospital was *not a fraud*, and that, after twenty years' enjoyment under them, the right of the Attorney-General to question their validity was barred by the Statute of Limitations. His Honor considered that he was bound by the decision of the House of Lords in *The Attorney-General v. Magdalen College* (6 H. L. C. 189), as in that case there had been a complete breach of trust, with complete notice to the alienees of the breach of trust; that the only difference between that case and the one before him was, first, that in the former there was an alienation of the fee, whereas in the latter the alienation was merely for a term of years. This distinction we agree with his Honor in thinking clearly immaterial. But his Honor goes on to say, "that the

next difference is, that the grantors in *The Attorney-General v. Magdalen College* were the rector and churchwardens; here the grantor, in form, was the hospital itself, though, in substance, I have no doubt it was the master." "Again," he adds, "in *The Magdalen College case* the alienation was to a stranger; here it was to a trustee for the master." His Honor thought the character of the alienees could not affect the question where adverse possession began. "If," he said, "the alienee in *The Attorney-General v. Magdalen College* had been the rector, it is obvious that the question now before me, and that before the House of Lords, would be exactly the same." And after admitting this, which appears to us to constitute an essential distinction between the two cases, his Honor nevertheless adds, "that he cannot distinguish the case from *The Attorney-General v. Magdalen College*;" and he decided, that as soon as the leases were granted adverse possession began; that there were persons then in existence who had a right of suit; and that consequently the Statute of Limitations was a bar to the information.

It appears to us that the most important question in this case is, whether, in taking leases to a trustee for himself, the master of the hospital was not, under the circumstances, guilty of a fraud. We think that he was, and that the case ought not to have been treated as one merely of a breach of trust on the part of the corporation.

It is true, that the lease apparently is granted by the corporation; but it appears from the report of the case of *The Attorney-General v. Wyggeston's Hospital* (12 Beav. 115), to which we have before alluded, that the master of the hospital had the power of leasing, or rather, to use the words of the ordinance, "of concluding for the making," i. e. bargaining for the making, of leases; and that it must, without doubt, have been intended by the framers of the ordinance that the lands should be let for substantial rents; else why should they contain provisions against the master "granting unprofitable and outrageous leases?" The lease was signed by Dr. Selwyn, as master of the hospital; and even the Master of the Rolls admits that in substance it was the lease of the master. The question then is, whether a person, having a power of a fiduciary character, can either exercise it in his own favour, or can he, when he ought to have exercised it for the benefit of those on whose behalf he was intrusted with such power, lie by, and allow or induce others, whom he ought, by the due exercise of his power, to have controlled, to neglect the interests of those whom he was bound to protect, and obtain thereby an advantage for himself? We think, according to the principles laid down in all the cases of any authority upon this subject, that he could not. In *The Attorney-General v. The Earl of Clarendon* (17 Ves. 500), where the governors of a charity let part of the lands to one of their own body, Sir W. Grant, M. R., said, that "according to the general rule which the Court adopts for the purpose of guarding against possible fraud, he could not become a lessee of the lands, which, as governor, it was his duty to let to the highest advantage." It is true, that in *The Attorney-General v. Payne* the master of the hospital was not one of the corporation, but he had a power of leasing, or of concluding to make leases; and it was his duty to lease and let the charity lands to the greatest possible advantage to the hospital, and not to have obtained, as he did, the greatest possible advantage to himself.

The transaction being, as we think, a concealed fraud, the statute would only run from the time of its discovery. (3 & 4 Will. 4, c. 27, s. 25).

The decision of Lord Cottenham, when Master of the Rolls, in *Charter v. Trevelyan* (4 L. J., Ch. 209), affirmed by the House of Lords (11 Cl. & Fin. 714),

does not appear to have been brought before the attention of the Master of the Rolls. It has, we think, a very material bearing upon the subject now under discussion. In that case, a person standing in the fiduciary position of solicitor, steward, and receiver of rents to the vendor of an estate, without the knowledge of the vendor, by means of the intervention of a trustee, purchased the estate for himself. Lord Cottenham held, in the first place, that such transaction amounted to a fraud; and, in the next place, that time only began to run against the injured party from the discovery of the fraud, and not merely from the time when it was committed.

The principles upon which Lord Cottenham and the House of Lords acted in *Charter v. Trevelyan* appear to be applicable in every respect to the case of *The Attorney-General v. Payne*. It is true, that in setting aside transactions of this kind, great hardships are inflicted upon innocent individuals. But the words of Lord Cottenham in *Charter v. Trevelyan*, adopted, with strong commendation, by the late Lord Campbell in the House of Lords, should always be borne in mind:—"In cases of fraud time is no bar, otherwise justice would be defeated, not because the case was not a proper one for the interference of the Court, but because deception was continued by the author of the fraud so long as to entitle him to reap the benefit of it. It is fitting that those who thus appropriate the property of others should be assured that in this court no time will secure to them the fruits of their dishonesty, but that their children's children will be compelled to restore the property of which their ancestors have fraudulently possessed themselves. Time is no bar, except the party, having full information of his injuries and rights, allows time to elapse without seeking relief."

#### MR. EDWIN JAMES, Q. C.

THE following appears in *The Times* of the 19th instant:—

"Yesterday evening, at a parliament held, after many adjournments, Mr. Edwin James, Q. C., was disbarred by the Benchers of the Inner Temple, and that fact was ordered to be communicated to all the judges of law and equity, and the other three Inns of Court."

And in the same paper, on the 21st, the following:—

"To the Editor of *The Times*."

"Sir,—I beg to inform you that I have, by the instructions of Mr. Edwin James, given notice to the Benchers of the Inner Temple that it is his intention to appeal to the judges against the order made by them at their sitting on the evening of the 18th instant.

"I am, Sir, your most obedient servant,

"W. E. KNOBEL.

"3, Cannon-row, Whitehall, July 20."

#### THE GRAND JURY SYSTEM.

THE following letter appears in *The Times* of the 18th July, addressed to the editor, and headed "Middlesex Sessions Grand Jury:—"

"Sir,—As one of the grand jury at the present sessions, may I ask you to give publicity in your columns to the accompanying protest, agreed to by all the jurymen (eighteen in number) at the close of our duties yesterday? The protest was read in court, the judge at the same time expressing his entire acquiescence therewith.

"I have the honour to be, &c.,

"JOHN TAYLOR.

"5, Shrubland-grove West, Dalston, N. E.,  
July 17.

"The grand jury cannot separate without expressing their opinion, that no necessity appears to them to exist for the continuance of the duties of the grand jury, all the cases laid before them at this session having already been fully investigated by a stipendiary magistrate, and which preliminary inquiry appears to them all-sufficient (checked as the absoluteness of the power is by the press) to preserve a prisoner from being unduly or unfairly placed on his trial, without the intervention of a grand jury, the machinery of which seems to be useless for the purpose of justice, and alike troublesome and expensive to prosecutors, witnesses, and jurymen."

There is nothing new in this. For many years past the grand juries of the Middlesex Sessions have been in the habit of making presentments, voting themselves a nuisance, and praying for their own abolition; and at the present moment Lord Chelmsford's bill for allowing persons in the metropolis, in certain cases, to be put on trial without the intervention of a grand jury, is being discussed in the House of Commons. (See ante, p. 83). The authors of the above protest, however, and, as they allege, the judge of the Middlesex Sessions also, would go farther, and do away with the system altogether, on the ground that a previous investigation of each case by a stipendiary magistrate (appointed and removeable, be it remembered, at the pleasure of the Crown) is quite sufficient guarantee against persons being improperly put on their trial—a proposition, the unconstitutional and dangerous character of which we have adverted to on previous occasions. (Ante, p. 83; 6 Jur., N. S., part 2, pp. 359, 367). But the institution of the grand jury rests also on another ground, of which the authors of the above protest are either ignorant or deem unworthy of their notice; namely, that it affords a means, and the only means, to private individuals for putting the criminal law in motion against offenders, whether they be officers of Government or not, and however agreeable or distasteful their prosecution may be to the Executive.

It is urged by some that grand juries are beneficial in the provinces, but not in the metropolis, on the ground both of the presence of stipendiary magistrates in the latter, and also that the persons composing the grand juries there are taken from a lower walk of life, and much inferior both in education and intelligence to those in the provinces; and indeed, if we are to judge from the language and composition of the protest before us, especially that portion in the parenthesis, there is some colour for the hypothesis. That evils exist in the constitution of the metropolitan grand juries must be freely admitted, but they are such as are easily susceptible of remedy without sweeping away the system; namely, by reforming the mode of summoning those juries, and by extending the salutary provisions of the Vexatious Indictments Act, 22 & 23 Vict. c. 17, to all bills of indictment preferred by private individuals, where there has been no previous investigation of the case by a magistrate.

#### CRIME AND CRIMINALS.

THE two following articles on these subjects are taken from *The Times* of the 10th July and 12th July respectively:—

1.

The annual volume of "Judicial Statistics for England and Wales" has just been issued. It is for the year ending at Michaelmas last. The police return the number of crimes (indictable offences) committed in the year, so far as known to them, at 50,405—a decrease of 3·1 per cent. on the returns of the previous year. This black catalogue includes 99 murders, 38 attempts to murder, 466 cases of shooting at or wound-

ing persons with intent to do them bodily harm, 188 of manslaughter, 174 attempts at suicide (and coroners' inquests were held on 1357 persons who committed suicide), 142 unnatural crimes or misdemeanours, 109 instances of bigamy, 476 criminal assaults on women, with a long list of more ordinary crimes. The number of persons apprehended for these crimes is stated at 24,862, or 49·3 per cent. upon the crimes, which is a rather less proportion of apprehensions than in 1859. 8659 of these persons—more than a third—were discharged by the magistrates, leaving 16,203, or 32·1 per cent., as the proportion of cases successfully pursued by the police—nearly the same proportion as in 1859. Such, at least, is the representation made in this volume, compiled at the Home Office; but, high as that authority is, it does not seem at all clear that this is the true proportion of the detections to the crimes; for it is probable that, besides these apprehensions (which appear to be only those on which the accused were either sent for trial or discharged), many persons apprehended for the lighter of these indictable offences were sentenced by the magistrates, and so included in the list of cases dealt with summarily. 384,918 persons were charged summarily before the magistrates (a decrease of 2 per cent. on 1859), and about two-thirds—255,803—of them were convicted. The sentences passed shew that these summary convictions were for the less serious offences; in nearly two-thirds of the cases—165,165—the sentence was a fine, and in only 53,330 (20·8 per cent.) imprisonment, which in 34,745 instances was for not more than a month. The women had their usual good fortune, for only 55·1 per cent. of the charges against them succeeded, while 69·4 per cent. of the men were convicted. Of the persons thus proceeded against summarily, 88,361 were charged with drunkenness—a decrease of 1·7 per cent. on 1859. The charges of aggravated assaults on women were 2948—a decrease of above 7 per cent. The charges for offences against the game laws were 8654—an increase of 4·8 per cent. The whole number of persons proceeded against during the year, whether by indictment or summarily, was 409,780, and it was made up in the following rather remarkable way:—137,574 were persons of previous good character, 144,485 were unknown to the police, and only 127,721 (less than a third) were persons of bad, suspected, or known loose character. The police to deal with these were 20,760 in number—a very trifling increase on the previous year; if the number of the force was the same half a year later, when the census was taken, it is one policeman to every 966 persons. The force was maintained at a cost of 1,531,111. The police return a decrease in the number of the known criminal classes to the extent of 3·5 per cent. as compared with 1859; and a decrease of 8·4 per cent. among persons under sixteen. The houses of bad character, 24,711, are 5·9 per cent. fewer than in 1859. The number of thieves at large, known to the police, is stated to be 37,914; and charges were brought against 19,864, or 52·4 per cent. It is stated also that there are 4440 receivers of stolen goods, 35,206 suspected persons, 30,900 prostitutes, 22,664 vagrants and tramps, including probably persons without visible means of subsistence—in all, 131,024 bad subjects; but it is impossible to believe that this part of the return is complete.

## 2.

The commitments for trial for indictable offences are commonly taken as a measure of the amount of crime; and the year 1860 has no reason to shrink from this test, for the commitments in England and Wales fell from 16,674 in 1859 to 15,999 last year. But since the Criminal Justice Act came into operation in 1855, transferring a number of cases to the summary juris-

diction, the commitments have given a more imperfect idea of the prevalence of crime. Last year upwards of 30,000 charges of stealing, or attempting to steal, were disposed of by the magistrates. A better test may be found probably in the number of offenders sentenced to gaol by courts and magistrates; and the following short table, made up on that principle, shews the continued decrease of crime:—

	1856.	1857.	1858.	1859.	1860.
Sentenced on indictments....	14,734..	15,307..	13,246..	12,470..	12,068
Sentenced to gaol by magistrates	77,712..	86,795..	83,128..	74,769..	70,151
	92,446	102,102	96,374	87,239	82,219

The capital convictions in 1860 were only forty-eight, the smallest number yet recorded. The extreme penalty of the law is virtually confined to murder, no execution having taken place for any other crime since 1841. The case which occurred in that year was for an attempt to murder, where life was seriously endangered. The average of convictions for murder in the last ten years has been seventeen, and that was the exact number in 1860. In five cases the punishment was commuted to one of penal servitude; in twelve the sentence was inflicted. It is only in these cases that we have in our statistical returns any attempt to tabulate "motives to crime." Of these murders, five are described as being for the sake of robbery, two from jealousy, one from rejected love, two from hatred, one from excitement by drink, and in one instance no motive is assigned.

## PROCEEDINGS IN PARLIAMENT.

## HOUSE OF LORDS.

Lord Brougham has withdrawn for the present session his Felony and Misdemeanour Bill.

## HOUSE OF COMMONS.

July 17.—Mr. Locke's Criminal Proceedings (Oaths Relief) Bill passed through committee.

A debate ensued on a motion to go into committee on the Indictable Offences (Metropolitan District) Bill, which was adjourned till Wednesday, the 24th.

July 18.—The Government announced their intention of withdrawing the Highways Bill for the present session.

Also, instead of proceeding with the Election Law Amendment Bill, that they would merely ask for a continuance bill.

The Trade Marks Bill was also withdrawn for the session.

On the motion of the Attorney-General, the House voted, by a majority of 173 to 129, to disagree with the amendment introduced into the Bankruptcy and Insolvency Bill by the House of Lords relative to the appointment of a chief judge in bankruptcy. The consideration of the other amendments of the Lords was adjourned.

July 22.—The Crown Suits Limitation Bill, and the Criminal Proceedings (Oaths Relief) Bill, were read a third time, and passed.

The order of the day for resuming the consideration of the Lords' amendments in the Bankruptcy and Insolvency Bill having been read,

The Attorney-General said he presumed, after the decision arrived at the other night for restoring the clauses relating to the appointment of the chief judge, that the House would not now think it necessary to discuss at any length the other subsidiary amendments consequent upon that change.

Sir H. Cairns thought it would be useless to discuss the amendments which treated of the office of the chief judge.

The House then disagreed accordingly with the various amendments made by the Lords on the subject of the chief judge.

On clause 21, in which the Lords had increased the number of official assignees from five to eight,

The Attorney-General moved that the Lords' amendments be disagreed with, which, after some discussion, was carried without a division.

In clauses 22 and 27 certain amendments of the Lords were disagreed with, and some were concurred in.

Sir F. Kelly moved that the House should disagree with so much of the new clause introduced between clauses 97 and 98 as deprived debtors whose assets did not amount to 150*l*. of the power of petitioning for an adjudication in bankruptcy against themselves.

The Attorney-General seconded the motion. The effect of the clause as it now stood would be to prevent any person who might not be able to shew assets to the amount of 150*l*. from obtaining a discharge from his debts without going within the walls of a prison, and remaining there for some weeks.

Mr. Malins and Mr. Bovill also supported the motion, which was agreed to.

On clause 100,

The Solicitor-General stated that paragraph C had been inserted by the Lords, with respect to debts contracted or liabilities incurred after the passing of the act, on which considerable difference of opinion prevailed; but, with a view to the passing of the bill, he was not disposed to ask the House to disturb the principle of the amendment. The Lords, however, appeared to have overlooked the fact, that by the law as it now stood, if a debtor not a trader lay in prison, any execution creditor was at liberty to apply by petition to the Insolvent Debtors Court, and obtain a vesting order, the effect of which was to vest all the present and future estate of the debtor up to the time of his discharge, real and personal, in the assignees of the Insolvent Debtors Court, to be administered for the benefit of the creditors. He proposed, after the word "trader," to insert these words—"and not being at the time a prisoner against whom the creditors would be entitled to obtain a vesting order in insolvency if this act had not passed." With a view to carry into effect the object of the Lords in this clause, he would also add a proviso to the 164th clause, to the effect that no person shall be liable by virtue of this act to any criminal charge or penalty in respect of any matter which may have occurred before the passing of the act, to which he would not have been liable if this act had not passed. He had had the advantage of communicating these amendments to his hon. and learned friend the member for Belfast, and he was authorised to say that he had no objection to them.

Mr. Henley thought the proposal of the hon. and learned gentleman quite a fair one. It left parties as they were, and that was all that was wished or contended for.

The words proposed were then inserted.

Mr. Malins moved that the amendment introduced by the Lords in clause 101 be expunged. This was opposed by the Government, and finally withdrawn, and the House agreed to the Lords' amendment.

Clause 103 was struck out.

On clause 105, the provision added by the House of Lords, withholding jurisdiction from the county courts in towns in which district bankruptcy courts held periodical sittings, was disagreed to.

Several other amendments of the Lords, having been considered, were in some instances agreed to, and in others disagreed from.

On the motion of the Solicitor-General, a proviso was added to the 164th clause, to the effect that no person should be liable to be prosecuted for any offence after the passing of the act for which he would not have been liable to be prosecuted if the act had not passed.

On the motion of Mr. Moffatt, the House disagreed with the Lords' amendment in clause 200, making the assent of three-fourths in number of the creditors necessary to the validity of any deed executed by a debtor, and restored the clause to its original shape, by the insertion of the words, "a majority in number of the creditors representing three-fourths of the value."

Similar words were, on the motion of Mr. Moffatt, inserted in clause 208.

The remaining amendments, which were of a formal nature, having all been disposed of,

The Attorney-General moved that a committee be appointed to draw up reasons for disagreeing with the Lords' amendments, and to manage a conference with the other House.

The motion was agreed to, and the committee nominated as follows:—The Attorney-General, the Solicitor-General, Sir G. C. Lewis, Sir G. Grey, Mr. Murray, and Mr. Malins.

THOMAS WILKINS, New Wortley, Leeds, Yorkshire, stonemason, Aug. 5 and Sept. 2 at 11. Leeds: Off. Ass. Hope; Sol. Smith, Leeds.—Pet. f. July 20.

#### MEETINGS.

Charles Henry Joseph, Strand, Middlesex, hotel keeper, Aug. 3 at half-past 11, London, last ex.—Thomas Edge, Great Peter-street and Vincent-square, Westminster, Middlesex, gas-meter manufacturer, Aug. 5 at 1, London, last ex.—John Moore, Charlton-street, Euston-road, Middlesex, ironmonger, Aug. 6 at 12, London, last ex.—Thomas Mott, Salisbury, Wiltshire, cabinet maker, Aug. 5 at half-past 11, London, and ac.—Richard Peacock, Southwark-bridge-road, Surrey, licensed victualler, Aug. 5 at half-past 12, London, and ac.—Benjamin Bateman, Norwich, tea dealer, Aug. 5 at 11, London, and ac.—Charles Eaton the younger, Manchester, leather factor, Aug. 6 at 12, Manchester, and ac.—Joseph Porter, Joseph Wainsley Porter, Thos. Wainsley Porter, and Robert Rogers, Salford, Lancashire, screw-bolt manufacturers, Aug. 27 at 12, Manchester, and ac.; Sept. 12 at 3, div.—John Anderton, Liverpool, stonemason, Aug. 2 at 11, Liverpool, and ac.—Wm. Brew, Liverpool, tailor, Aug. 2 at 11, Liverpool, and ac.—John Trevett, Sheffield, Yorkshire, shoemaker, Aug. 3 at 10, Sheffield, and ac.—Samuel Shepley, Chesterfield, Yorkshire, chemist, Aug. 3 at 10, Sheffield, and ac.—Edwin Botting, Brighton, Sussex, grocer, Aug. 15 at half-past 11, London, div.—Jas. Thomas Taylor, New Church-street, Marylebone, Middlesex, grocer, Aug. 14 at 1, London, div.—Edward Price, Warminster, Wiltshire, grocer, Aug. 13 at half-past 12, London, div.—James Pontey, Hulme, Manchester, licensed victualler, Aug. 14 at 12, Manchester, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

Robert Barrie, York-street, Covent-garden, Middlesex, builder, Aug. 15 at 12, London.—Philip Haynes, James-street, Old Bethnal-green-road, Middlesex, silk manufacturer, Aug. 22 at 12, London.—Edward Price, Warminster, Wiltshire, grocer, Aug. 13 at half-past 12, London.—William Braddon, Holloway, Middlesex, coal merchant, Aug. 13 at 11, London.—John Hudson Theobald, Colchester, Essex, coal merchant, Aug. 14 at half-past 2, London.—John Jas. Christopher Young, Stonebridge-common, King'sland, Middlesex, licensed victualler, Aug. 14 at half-past 1, London.—Thos. William Randall, Wrexham, near Slough, Buckinghamshire, corn dealer, Aug. 14 at 12, London.—Alexander W. Laidlaw, Bury-court, St. Mary-axe, City, wine merchant, Aug. 14 at 1, London.—George Chant, West End, Stoke-sub-Hamden, Somersetshire, glove manufacturer, Aug. 16 at 1, Exeter.—Edwin Croot, Exeter, licensed victualler, Aug. 16 at 1, Exeter.—George Hiches, Portwood, Stockport, Cheshire, cotton manufacturer, Aug. 23 at 12, Manchester.—Thomas Martin Heathorn, Stafford, brewer, Nov. 1 at 11, Birmingham.—J. Gibson, Birmingham, licensed victualler, Nov. 1 at 11, Birmingham.—Luke Minshull, Bromsgrove, Worcestershire, banker, Nov. 1 at 11, Birmingham.—John Coley, Tipton, Staffordshire, ironmonger, Nov. 1 at 11, Birmingham.

To be granted, unless an Appeal be duly entered.

Samuel William Potter Steward, Fordham, Cambridgeshire, farmer.—John Calverley, Portsdown-road, Malda-vale, Middlesex, builder.—Wm. Craft, Maidstone, Kent, baker.—Geo. Elliott, Farnham, Surrey, blacksmith.—Philip Henry Payne, Buxton-road, Middlesex, leather merchant.—Abraham Harris, Railway-place, Shoreditch, Middlesex, tobacconist.—George Peffant, Minories, City, sailmaker.—George Pearson, Manchester, machine maker.—Samuel Harvey, Birmingham, gold and silver chain manufacturer.—Francis Taylor, Cradley Heath, Rowley Regis, Staffordshire, grocer.—Samuel Hill, Hanley, Stoke-upon-Trent, Staffordshire, furniture dealer.

#### SCOTCH SEQUESTRATIONS.

Mrs. Marion Ferrie, widow, Lennoxtown, Campsie, Stirlingshire, saddler.—Alexander Finlayson, sen., Thornliebank, Renfrewshire, grocer.—Lewis Freedman, Glasgow, general outfitter.—John Hutcheson Bedgar, Glasgow, corn merchant.—James Reid, Ayr, grocer.—Andrew Walker, Inverness, hotel keeper.—Robert Milne & Co., Dundee, flax spinners.

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## TUESDAY, July 30.

## BANKRUPTS.

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THOMAS WAGSTAFFE, Manor Grange Farm, Sheffield, Yorkshire, cattle salesman, Aug. 17 and Sept. 21 at 10, Sheffield: Off. Ass. Brewin; Sols. Chambers & Waterhouse, Sheffield.—Pet. d. and f. July 24.

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THE JURIST.

LONDON, AUGUST 3, 1861.

IN *The Solicitors' Journal* of the 27th July, 1861, we find the following:—

"The Wisbeach murder case forcibly raises a question of considerable interest, not only so far as relates to the theory of our law, but also as regards the public sentiment. A man charged with the wilful murder of his wife pleaded guilty, and repeated the plea after the most earnest and solemn warning by Mr. Justice Wightman, the presiding judge upon the occasion. The crime, as it appeared upon the depositions, admitted of no reasonable doubt, and was one of savage barbarity. In consequence of the prisoner's plea of guilty, of course no evidence was adduced; and it is impossible for the public not to participate in the regret expressed by the learned judge, and by the counsel retained by the friends of the prisoner, that he should by his plea have prevented the trial. Mr. Justice Wightman expressed the general feeling when he said that in such cases the interests of public justice are best advanced by a full and open trial; and it is certainly an important question, whether, in every case involving capital punishment, it would not be more satisfactory, even where the prisoner pleaded guilty, to have the evidence for the prosecution pre-

sented to the Court, as if no such plea had been made, and to enable the friends of the prisoner to instruct counsel to watch the case. Such a proceeding would not be by way of trial of the prisoner, but only for the satisfaction of the public, and as some guarantee that the prisoner, in pleading guilty, is not the victim of any hallucination, or any morbid notions about what is required of one in his position. Last year Lord Brougham brought in a bill to enable persons accused of crimes to obtain a trial without pleading to the arraignment otherwise than by expressing a desire to be tried upon the indictment. That bill, however, did not go the length that we suggest, as it proposed still to enable prisoners to prevent the publicity of evidence by insisting upon a plea of guilty."

The suggestion here made seems worthy of attention, although we confess we are not quite satisfied with the reasoning on which it is founded. We may also observe that it is extremely difficult to legislate so as to satisfy all parties. On the one hand, it is not uncommon, among a certain class of critics on our laws and constitution, to condemn in very strong terms the practice of our English judges in so cautiously receiving a plea of guilty, and the advice they so frequently give to the prisoner who offers one to withdraw it, and take his chance of a trial. "What!" exclaim this class of reasoners; "refuse to believe a man's confession! 'Habemus optimum tes-

tem confitentem reum.' Why compel a man to say he is not guilty when you have an acknowledgment of his guilt out of his own lips?" And, indeed, in continental countries, not only is such a plea seized on with avidity; but when the accused pleads "not guilty" he is subjected to a severe and stringent, and often most unfair, interrogation by the court, in order to extract from him admissions to his disadvantage. And absurd and mischievous as is this practice, it has its advocates, and some among us have proposed its introduction here. On the other hand, the parties whose sentiments are represented in the above extract, not content with the merciful practice of our law as it stands at present, are of opinion that a judicial confession of guilt, however free and unfettered, should not be accepted by the tribunal, lest by possibility the prisoner should injure himself through aberration of mind, unskilfulness, or imprudence.

There is probably no rule of jurisprudence more universal than that which attaches a conclusive effect to "judicial confessions." "Such," observes Professor Greenleaf\*, "are sufficient to found a conviction, even if it be followed by a sentence of death, they being deliberately made, under the deepest solemnities, with the advice of counsel, and the protecting caution and oversight of the judge." And there are good reasons for the exercise of caution in receiving such a plea, however superfluous, or even absurd, it may appear to superficial thinkers. Let it be remembered that every confession of guilt in general terms is a "confessio juris" as well as a "confessio facti;" and however plausibly it may be urged that a man must, in most cases at least, know what he has done in point of fact, it by no means follows that he is correct in his view of the law respecting it. Thus, a man really guilty of manslaughter might plead guilty to a charge of murder; or a man who committed an homicide might injure himself in a like manner by not knowing that the act he did was of a justifiable or excusable, and not of a felonious nature, &c. To this must be added the possibility of false confessions of guilt arising from mistake of fact; aberration of mind; or improper influence, in the shape of threats or menaces, to induce confession, &c. Perhaps, for these reasons, therefore, it might be an improvement in our law if, whenever the judge is not satisfied with the truth of a judicial confession, he were empowered to enter on the record a plea of "not guilty" for the accused, in the same manner as he now can when the accused stands mute.

The bill of Lord Brougham, to which allusion is made in the extract quoted, is, we presume, the bill introduced by him in 1860, which passed the House of Lords, but was rejected by the House of Commons, on the second reading, by a large majority. Its object was to alter the present form of arraignment, by substituting for the question to the accused, "Are you guilty or not guilty?" the question, "Do you wish to be tried?" This bill was founded on an erroneous and rather sentimental notion, entertained by some well-meaning but ill-informed persons, and frequently inculcated on prisoners by the chaplains of gaols, that the plea of "not guilty" is a moral asseveration of innocence; and consequently such a plea pleaded by an accused person, who is really guilty of the offence with which he is charged, is an aggravation of his guilt, by adding to it the sin of untruth. But this arises from ignorance of the law, and misunderstanding of the whole matter. A tribunal of municipal law—at least, an English one—disclaims all right to probe the conscience of an accused person, and gives him the right of calling on those who charge him with

any crime to prove, beyond all reasonable doubt, that he is guilty of it. When, therefore, he is asked by the tribunal, "Are you guilty or not guilty?" the meaning of the question is, "Do you admit what is charged against you to be true? for if so we need not try you for it;" and his answer of "not guilty" is simply this—"I do not admit what is charged against me—prove it." The objection to the plea of "not guilty," to which we have alluded, is, in truth, a verbal quibble; and it is remarkable that the form which it was proposed to substitute for it is open to another; for if that form were adopted, an accused person would be compelled to say that he "wished" or "desired" to be tried, in many cases when nothing could be farther from either his wish or desire, knowing, as he would, that such a proceeding must end in his condemnation and punishment.

On the whole, therefore, we are strongly inclined to think that our criminal procedure, erroneous as it is in some things, is free from censure in respect to its form of arraignment.

### Reviews.

*The Magisterial Formulist: being a complete Collection of Forms and Precedents for practical Use in all Cases out of Quarter Sessions, and in Parochial Matters, by Magistrates, their Clerks, and Attornies; with an Introduction, Explanatory Directions, Variations, and Notes. By GEORGE C. OKE, Assistant Clerk to the Lord Mayor of London, Author of "The Magisterial Synopsis," "The Laws of Turnpike Roads," &c. Third Edition, enlarged and revised.*

[Butterworths; Hodges, Smith, & Co., Dublin. 1861.]  
*Stone's Practice of Petty Sessions, with the Statutes, a List of Summary Convictions, and an Appendix of Forms. Seventh Edition. By THOMAS BELL and LEWIS W. CAVE, of the Inner Temple, Esqrs., Barristers at Law. [V. & R. Stevens & Sons; H. Sweet; and W. Maxwell. 1861.]*

WITH respect to the first of these, Mr. Oke is well known to the Profession as the author of a valuable work, now in its seventh edition, published in 1860, and intitled "The Magisterial Synopsis: a practical Guide for Magistrates, their Clerks, Attornies, and Constables, in all Matters out of Quarter Sessions; Summary Convictions and Indictable Offences, with their Penalties, Punishments, Procedure, &c., being tabularly arranged;" and the work before us is the third edition of a series of forms intended to accompany the former, "arranged in three like practical divisions or classes of the subjects, sub-divided into convenient chapters." We take from the author's Preface the following account of the present edition. After stating that the second edition was disposed of, and that his publishers had called on him for a fresh one, Mr. Oke proceeds thus:—

"Responding to this call, and encouraged by the great success of the 'Synopsis' (which, having passed into three editions since the previous edition of this work, is now necessarily much enlarged, and is universally used), I have been induced to extend this work in a corresponding degree, in order to render it a suitable companion to that work, by embodying in it all the various forms required under the magisterial statutes of the last five years, as well as numerous others under prior acts, the whole being thoroughly revised, as my daily experience has suggested. Many additions of parochial and other precedents have also been made at the suggestion of magistrates, magistrates' clerks, and professional men, who have expressed their opinion of the great assistance they have derived from the work, more especially magistrates' clerks, who have effected thereby a saving of

\* 1 Greenl. Ev. 216, 7th ed.



fees in settling special forms, as well as in the cost of supplying their offices with those for use in the ordinary business of petty sessions. I believe that the work will now, being increased in bulk some 364 pages in excess of the previous edition, be found to contain the most comprehensive body of forms in magisterial practice that has been published, and many more than the number comprised in all the published works on the subject. I avail myself of this opportunity to thank those gentlemen who have so courteously furnished me with forms and information for this edition; and amongst those connected with public departments who have so assisted me, I may name Mr. Beverley, assistant solicitor of the Customs, Mr. Dwelly, of the Inland Revenue, and Mr. Stepney, of the Home Office."

Each of the two works forms a very thick volume octavo—that before us, in particular, consisting of nearly 1000 pages; and, it is perhaps needless to add, are excellent companions for a justice of the peace out of sessions, as well as for the other descriptions of persons for whose use they have been compiled.

The second of these works is the seventh edition of a useful little treatise. The peculiarities of the present edition are thus stated in the Preface, which is by Mr. Cave, one of the editors:—

"The time which has elapsed since this work was originally published has produced so thorough a change in the practice of the courts of petty sessions that this edition will be found to have little in common with the first. The alteration in the structure of the book, which commenced with the edition immediately following Sir J. Jervis's Acts, is carried still farther in the following pages, and it is hoped that they will be found to supply a satisfactory and complete analysis of the *general* practice of the court of petty sessions as it at present exists. . . . This edition was begun, and the plan of the work laid out, in conjunction with the late Mr. Bell, the precarious state of whose health during the last few months of his life, and his death before half the work was completed, have deprived these pages of very much which his intimate and practical acquaintance with the subject of which they treat would have supplied. No pains, however, have been spared to make the present edition as complete as possible; and it is hoped that, like its predecessors, it will be found to be a correct and useful guide by the magistracy and those members of the Profession who may have occasion to use it."

Mr. Cave, then, with much candour and modesty, informs us—"Great assistance has been derived, in compiling the list of summary convictions, from Mr. Archbold's Justice of the Peace and Mr. Oke's Magisterial Synopsis. Those who are desirous of fuller and further information on that immense variety of specific subjects over which justices exercise an ever-increasing jurisdiction, than can be expected from a work of the present size and pretensions, will do well to consult the two books above referred to, the latter of which is more especially valuable to the practitioner, as containing the law upon the subjects in question down to the latest period."

#### BOOK RECEIVED.

A Practical Treatise of Powers. By Edward Sugden (now Lord St. Leonards). The Eighth Edition. In one volume royal 8vo., pp. 1022.—Sweet.

#### BUSINESS IN THE COURTS OF PROBATE, DIVORCE, &c.

We take the following from the report in *The Times* of Monday, the 29th July, 1861, of the proceedings in the Divorce Court on the previous Saturday:—

"The Court rose to-day for the vacation. The following summary will shew the amount of business which has been transacted since the last vacation. We are indebted to the courtesy of Mr. Billing, the clerk of the court, for the information contained in it.

"From the sitting of the Court at the beginning of last Michaelmas Term, until its rising to-day, the Judge Ordinary has dissolved 164 marriages; has pronounced ten decrees of judicial separation, and two declarations of nullity; and has dismissed twenty-five petitions. He has thus tried and determined 201 divorce suits. Fifty-nine probate causes, and two legitimacy declaration causes, have been disposed of within the same period. One of the former, *Talbot v. Traherne*, occupied eleven, and one of the latter, *Miss Shedden's case*, occupied fourteen days. These figures do not of course include the numerous interlocutory applications which are heard every Wednesday.

"At the beginning of Trinity Term the divorce list contained 153 causes, of which the Court has disposed of seventy-eight sitting alone, and of thirty-three with the assistance of juries. Several of the others have been postponed, or withdrawn by the parties; and the actual arrears are, therefore, not above thirty; and about forty new cases have been set down for trial next term.

"The act of last session, giving the Judge Ordinary power to try cases over which the full Court alone had jurisdiction before it was passed, has thus, it will be seen, already cleared off almost all the arrears; and the fact that in some of the cases lately decided the petitions were not filed until December, 1860, shews that it has also removed all ground of complaint on account of delay in the trial of causes after they are ready for hearing."

#### PENAL SERVITUDE, TRANSPORTATION, AND IMPRISONMENT.

MR. JUSTICE BYLES, in addressing the grand jury of Dorsetshire, at the present Summer Assizes for that county, said—

"There was a case of Joseph Walker, who would be charged with cutting and wounding a warder of Portland Prison, with intent to do him some grievous bodily harm. In that case no one saw the blow struck, but the prisoner was in such a position that it could hardly have been given by any hand but his. The conclusive evidence, however, might be his own statement; and he should take the liberty of troubling them with it for another reason. The prisoner said, 'I have nothing to say. I am very sorry for what I have done. I get so low in spirits at times, when I think of the time I have got (ten years' penal servitude), that I don't know what I am doing. I have nothing else to say.' He feared, from reading the statement of that unfortunate person, that they would entertain but little doubt that it would be their duty to find the bill; but their duty was comparatively easy. In the event of a conviction, what was to be done with him? Already he was under a sentence of penal servitude for ten years. It was no part of his duty to make remarks upon public policy, but as this was the second case that had come to his personal knowledge within four months, he could not help expressing his regret that the power of transportation was entirely taken away from the judges. He felt, and he doubted not others also felt, that with a due regard to that mercy which ought always to be shewn to prisoners, and without which sentences were cruelty, and not justice, it was impossible to give that term of imprisonment which the offence deserved; and he might say that sentences for long periods of penal servitude inflicted,

in many instances, as much pain on the judge who passed them as on the prisoners who heard them. No doubt these unhappy men were put to hard labour, but not to that sort of labour which would enable them to earn their bread thereafter. At the expiration of their sentences they came out with Cain's mark upon them; for who would employ a convict or a ticket-of-leave man? Bread they must have; honest means of getting it in this rich and highly-favoured country were not easy, and the course adopted compelled them to come back to gaol. Formerly, in cases of this kind, judges were able to give that which was a most exemplary punishment—long periods of transportation. He had seen prisoners, when sentenced to such transportation, fall down from terror. They were then removed from temptation. They were employed in useful labour out of doors, and when they came out of prison, they came out without any prejudice, because there were no other labourers to be had. Their labour was very remunerative, and was highly beneficial to the colony, and they were restored to moral influences; and he could not help feeling that it was through this that our immense Australian colonies had become so great, so wonderful, and so wealthy. We owed it all to those unfortunate persons who had undergone this most beneficial punishment. It was only a few months ago that he was informed that the number of persons who had been set at liberty as ticket-of-leave men at Manchester was so great, that in the long nights no man could sleep in security from fear of burglary. They would pardon him for making these observations; he made them to gentlemen who, if they approved them upon more mature judgment, had the means of making them heard in influential quarters. The result of a long experience of thirty years in courts of criminal justice convinced him that that punishment was not only exemplary, but was healthy and effectively reformatory. Two women were charged with concealing the birth of their children. It was a crime arising from a determination to indulge the natural appetite without the observance and responsibility of married life; for he had never met with this crime in a married woman who was living with her husband—it was almost always committed by single women. And here, again, the great difficulty arose of knowing what was to be done with these women if they gave them long periods of imprisonment. Judges felt that the really guilty party was not before them."

## PROCEEDINGS IN PARLIAMENT.

### HOUSE OF LORDS.

*July 25.*—The Criminal Proceedings (Oaths Relief) Bill was, on the motion of Lord Denman, read a second time. It was supported by the Lord Chancellor and Lord Wensleydale; Lord Chelmsford expressing his doubts about the measure, but saying that he would not oppose the second reading.

The Crown Suits Limitation Bill was also read a second time.

*July 26.*—The Bankruptcy and Insolvency Bill, as returned by the House of Commons, was taken into consideration. It was agreed, by a majority of 80 to 46, to insist on the amendments made by that House relative to a chief judge in bankruptcy. It was also agreed not to insist on its amendments relative to creditors' assignees.

The Crown Suits Limitation Bill was reported.

*July 29.*—The Criminal Proceedings (Oaths Relief) Bill went through committee.

The Copyright of Designs Bill and the Crown Suits Limitation Bill were read a third time and passed.

The following conversation then took place with respect to the Courts of Justice Building Bills:—

The Earl of *Derby* thought it but just to the right hon.

gentleman the First Commissioner of Public Works to correct an error into which he had fallen in the remarks on the state of public buildings which he had addressed to their Lordships on Friday evening. On that occasion he said that the bill for providing the money for the new courts of justice had been passed on Thursday night, or rather at an early hour on Friday morning. He had been informed since, that the bill which had been so passed was not the one which he had supposed, but the Public Offices Site Bill, and that the other measure had been dropped in the House of Commons. He presumed that the Courts of Justice Building Bill, which stood for committee in their Lordships' House, would be dropped also, as it was connected with the one which had met that fate in the House of Commons. With regard to the Law Consolidation Bills, he was glad to hear, that when they came on for the second reading, it was the intention of the noble and learned lord on the woolsack to call attention to the alterations which had been made in them since they left their Lordships' House last session.

Earl *Granville* observed, that the bill to which his noble friend had referred, as one which he expected to see dropped, had been read a second time.

The Earl of *Derby* said that the Courts of Justice Building Bill had been read a second time, because he believed it was necessary to read it a second time before the date fixed by the Standing Order as the last on which second readings could be taken; but it was distinctly understood, that in reading it a second time the House did not pledge itself to a particular site.

The Lord Chancellor remarked that the Courts of Justice Building Bill would not pledge the House to any particular site or any particular sum. With regard to the Law Consolidation Bills, he was happy to say that the alterations made in them were not very extensive. He would make a short statement as to the effect of these alterations when the bills came on for the second reading.

After a few words from Lord *St. Leonards*, which were inaudible in the gallery,

Lord *Chelmsford* said that there had been a clear understanding that the House was not committed to any opinion as regarded the principle of the Courts of Justice Building Bill. That being so, he was surprised that it should be pressed forward.

The Lord Chancellor said their Lordships would perceive, on looking at the bill, that neither the neighbourhood nor the site was determined. The utility of passing it lay in the fact that some 8000*l.* or 9000*l.*, which had been expended upon the necessary surveys, would otherwise have to be repeated next year in the event of a bill being passed by the House of Commons devoting a particular sum to the erection of courts of justice. If the present bill passed this amount would be saved in case the scheme were proceeded with; and if not, the bill itself would become a dead letter.

Lord *Denman* believed that the proposed courts of justice, if erected, would be productive of great public inconvenience. Reversing the old rule, that "equity follows the law," all the law courts and lawyers would be obliged to follow equity to an inaccessible locality in the centre of London.

The Earl of *Derby* said a distinct reference was made in the bill to the plans and specifications agreed upon by the commissioners, which referred to districts and houses that were perfectly well known; and power was sought under the bill "to purchase, take, and use all or any of the houses, tenements, and buildings described in the above-mentioned plans." It was, therefore, an error to say that no particular site or neighbourhood was pointed to. Doubts and uncertainties would be excited by this measure in the minds of owners and residents in particular properties, and he thought it a very grave question whether a saving of the cost of preparing the surveys anew might not be dearly purchased by the passing of the present bill.

The Lord Chancellor, in explanation, said, that although the site might be indicated by the bill, advantage could not in any way be taken of it until the money requisite for the purpose was actually voted by Parliament.

Lord *Wynford* thought it highly inexpedient to proceed with this scheme in the face of a Treasury minute stating that the estimate would probably be exceeded by a million.

The matter then dropped.

*July 30.*—The seven Government bills for consolidating and amending a large portion of the statutable criminal law,

i. e. the Offences against the Person Bill, the Larceny, &c. Bill, the Malicious Injuries to Property Bill, the Forgery Bill, the Coinage Offences Bill, the Accessories and Abettors Bill, and the Criminal Statutes Repeal Bill, were read a second time.

The Criminal Proceedings (Oaths Relief) Bill was read a third time and passed.

#### HOUSE OF COMMONS.

**July 24.**—The adjourned debate on the Indictable Offences (Metropolitan District) Bill was, on the motion of Sir G. C. Lewis (in the absence of Mr. Walpole, who has charge of the bill) postponed till Wednesday, the 31st. Sir G. C. Lewis added, he did not think it likely that the bill would pass during the present session.

The motion for the second reading of the Prosecutions Expenses Bill gave rise to a debate, which was adjourned.

**July 26.**—On the motion of Mr. Conner the order for the committee on the Courts of Justice Building (Money) Bill was discharged.

**July 29.**—The bill introduced by the Attorney-General relative to the wills and domicile of British subjects abroad passed through committee; as also did the Wills of Personality by British Subjects Bill.

Sir G. C. Lewis withdrew the Prosecutions Expenses Bill. The Corrupt Practices at Elections Preventive Act, 1854, Continuance Bill passed through committee.

**July 31.**—Mr. Walpole withdrew the Indictable Offences (Metropolitan District) Bill, on account of the late period of the session.

On a motion to go into committee on the Lunacy Regulation Bill,

Colonel French moved, as an amendment, that the House go into committee on the bill that day three months.

Mr. Bovill seconded the amendment, which, after some conversation, was carried without a division.

The Wills and Domicil of British Subjects Abroad, &c. Bill was read a third time and passed.

The Wills of Personality by British Subjects Bill was also read a third time and passed.

The Corrupt Practices at Elections Preventive Act, 1854, Continuance Bill was read a third time and passed.

The Attorney-General moved that the House do not insist in their disagreement with the amendments made by the Lords in the Bankruptcy and Insolvency Bill.—Agreed to.

**THOMAS BANNISTER**, Hereford, builder, Aug. 12 and Sept. 2 at 11, Birmingham: Off. Ass. Kinnear; Sols. Bodenham & James, Hereford; Hodgson & Allen, Birmingham.—Pet. d. July 20.

**JAMES SHIPWAY** and **HENRY MANDER**, Great Malvern, Worcestershire, surveyors and builders, Aug. 9 and Sept. 6 at 11, Birmingham: Off. Ass. Kinnear; Sols. Southall & Nelson, Birmingham.—Pet. d. July 23.

**THOMAS BACHE**, Bridgnorth, Shropshire, timber dealer, Aug. 9 and Sept. 6 at 11, Birmingham: Off. Ass. Whitmore; Sols. Phillips, Shiffnal; Hodgson & Allen, Birmingham.—Pet. d. July 27.

**ABRAHAM CHAMBERLAIN**, High-street, Exeter, and Stoke Canon, Devonshire, cattle dealer, Aug. 9 and Sept. 11 at 12, Exeter: Off. Ass. Hirtzel; Sol. Floud, Exeter.—Pet. f. July 27.

#### MEETINGS.

**John Jones**, Wrexham, Denbighshire, draper, Aug. 12 at half-past 12, Liverpool, last ex.—**Edward Hunt**, Three Crown-square, Southwark, Surrey, hop merchant, Aug. 12 at half-past 12, London, and. ac.—**James Goddard**, Earl Soham, near Framlingham, Suffolk, draper, Aug. 12 at 12, London, and. ac.; Aug. 20 at half-past 11, div.—**Wm. H. Hamburgh**, High-street, Poplar, Middlesex, upholsterer, Aug. 12 at 11, London, and. ac.—**Frederick Johnstone**, Eastbourne-terrace, Paddington, and Curzon-street, May-fair, Middlesex, lodging-house keeper, Aug. 12 at 1, London, and. ac.—**C. Ormond**, Hemington, Northamptonshire, corn thrasher, Aug. 12 at half-past 11, London, and. ac.; Aug. 20 at 11, div.—**George Hiches**, Portwood, Stockport, Cheshire, cotton manufacturer, Aug. 23 at 12, Manchester, and. ac.; Aug. 29 at 12, div.—**James Thomson**, **John Thomson**, and **Samuel Woodhouse**, Birmingham, Manchester warehousemen, Aug. 15 at 11, Birmingham, and. ac.; Sept. 6 at 11, div.—**Thomas Pearson**,

Plympton St. Mary, Devonshire, merchant, Aug. 12 at half-past 12, Plymouth, and. ac.; Sept. 2 at 12, div.—**Tristram Powning**, Truro, Cornwall, grocer, Aug. 16 at 11, Exeter, and. ac.; Aug. 27 at 11, div.—**Edward Petter** and **Wm. A. Oatey**, Barnstaple, Devonshire, ironfounders, Aug. 16 at 11, Exeter, and. ac.; Aug. 29 at 11, div.—**Francis Paynter**, Penzance, Cornwall, attorney, Aug. 16 at 11, Exeter, and. ac.; Aug. 27 at 11, div.—**John Lancy**, Barnstaple, Devonshire, linendraper, Aug. 16 at 11, Exeter, and. ac.; Aug. 27 at 11, div.—**Wm. N. Peckins**, Torquay, Devonshire, auctioneer, Aug. 16 at 11, Exeter, and. ac.—**Nicholas M. Grose**, Wade-bridge, Cornwall, wine merchant, Aug. 16 at 11, Exeter, and. ac.; Aug. 26 at 11, div.—**John Axford** and **Charles Greenslade**, Bridgwater, Somersetshire, timber merchants, Aug. 16 at 11, Exeter, and. ac.; Aug. 26 at 11, div.—**Hugh Talbot** and **Hugh Popham Talbot**, Sidmouth, Devonshire, druggists, Aug. 16 at 11, Exeter, and. ac., and Aug. 27 at 11, div., sep. est. of **Hugh Talbot**.—**J. Machin** and **Wm. Catling**, Skinner's-place, Sise-lane, City, commission agents, Aug. 20 at half-past 12, London, div.—**James Nicholl** and **Robt. Fraser North**, Bishopsgate-street Within, City, tallow brokers, Aug. 21 at 1, London, div.—**Thomas R. Murrell**, Hedenham, Norfolk, farmer, Aug. 21 at 11, London, div.—**C. Bridger**, Haslemere, Surrey, builder, and Liphook, Hampshire, coal merchant, Aug. 21 at half-past 1, London, div.—**Jas. Broad**, Drury-lane, Middlesex, coach ironmonger, Aug. 21 at 2, London, div.—**John Knott**, Maidstone, Kent, draper, Aug. 20 at 12, London, div.—**John George Shipley**, Regent-street, Middlesex, saddler, Aug. 21 at half-past 2, London, fin. div.—**George Shotton**, Midhurst, Sussex, sheep dealer, Aug. 21 at half-past 12, London, div.—**George Bonoditch**, Taunton, Somersetshire, nurseryman, Aug. 26 at 11, Exeter, div.—**Josiah Harris**, Highweek, Devonshire, coal merchant, Aug. 26 at 11, Exeter, div.—**John Harvey**, Sidmouth, Devonshire, printer, Aug. 26 at 11, Exeter, div.—**Thomas Flood**, Honiton, Devonshire, hardwreman, Aug. 27 at 11, Exeter, div.—**Peter Allan Hannaford**, Exeter, bookseller, Aug. 26 at 11, Exeter, div.—**Charles Howe**, Plymouth, Devonshire, draper, Sept. 2 at half-past 12, Plymouth, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

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E E

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EBENEZER PRICE JONES, Crawley-street, Oakley-square, St. Pancras, Middlesex, hosier, Aug. 13 at 11, and Sept. 20 at 12, London: Off. Ass. Cannan; Sols. Lepard & Gammon, 9, Cloak-lane.—Pet. f. July 24.

JAMES ARMITAGE, Woolwich, Kent, cheesemonger, Aug. 12 at half-past 11, and Sept. 20 at 11, London: Off. Ass. Cannan; Sol. Mote, 33, Bucklersbury.—Pet. f. July 30.

JOSEPH FISHER, Lupus-street and Charlwood-street, Pimlico, Middlesex, cheesemonger, and Cheapside, City, licensed victualler, Aug. 12 and Sept. 20 at half-past 12, London: Off. Ass. Cannan; Sol. Nicholson, 48, Lime-street.—Pet. f. July 22.

JOSEPH MANTUA, Luton, Bedfordshire, jeweller, Aug. 12 at 1, and Sept. 11 at 12, London: Off. Ass. Stansfeld; Sols. Baily, Luton; Slamey, 4, Sergeants'-inn, Fleet-street, London.—Pet. f. Aug. 1.

JOSEPH LEVY, Finsbury-pavement, City, general dealer, Aug. 13 and Sept. 9 at 1, London: Off. Ass. Pennell; Sols. Spyer & Son, 8, Broad-street-buildings, London.—Pet. f. Aug. 1.

WILLIAM KERR, Bath, hosier, Aug. 13 and Sept. 9 at 11, Bristol: Off. Ass. Acraman; Sols. Edwards & Nalder, Bristol; Smith, 1, Frederick's-place, Old Jewry, London.—Pet. f. July 25.

EMANUEL PARACELSUS HOLLINGSHEAD, Cheltenham, Gloucestershire, tailor, Aug. 13 and Sept. 10 at 11, Bristol: Off. Ass. Miller; Sols. Winterbotham & Co., and Chesahyre, Cheltenham; Abbot & Co., Bristol.—Pet. f. July 25.

JOHN EARNSHAW and GEORGE EARNSHAW, Halifax, Yorkshire, dyers, Aug. 19 and Sept. 16 at 11, Leeds: Off. Ass. Hope; Sols. Wavell & Co., Halifax; Bond & Barwick, Leeds.—Pet. d. and f. July 29.

GEORGE SMEETON, Batley, Yorkshire, rag merchant, Aug. 20 and Sept. 10 at 11, Leeds: Off. Ass. Hope; Sols. G. A. & W. Emsley, Leeds.—Pet. d. and f. Aug. 1.

## MEETINGS.

John Nicholson, Liverpool, currier, Aug. 12 at 11, Liverpool, pr. d.—James Nicholl and Robert Frazer North, Bishopsgate-street Within, tallow brokers, Aug. 14 at half-past 1, London, last ex.—Thomas Symone, Princes-terrace, Caledonian-road, Islington, and St. John-street, Clerkenwell, Middlesex, leather seller, Aug. 15 at half-past 11, London, aud. ac.—Edward Price, Warminster, Wiltshire, grocer, Aug. 12 at 11, London, aud. ac.—John Edwards, Cwm Yniscoy, near Pontypool, Monmouthshire, draper, Sept. 20 at 11, Bristol, aud. ac.—Levi Beynon, Bristol, tailor, Sept. 12 at 11, Bristol, aud. ac.; Sept. 19 at 11, div.—Geo. Penrose, Eagles Bush and Eskyn Collieries, near Neath, and Maesymarchog and Ynisarwed Collieries, Vale of Neath, Glamorganshire, coal merchant, Sept. 12 at 11, Bristol, aud. ac.; Sept. 19 at 11, div.—C. Collier, Swindon, Wiltshire, cabinet maker, Sept. 12 at 11, Bristol, aud. ac.; Sept. 19 at 11, div.—E. Richard Andrews, Littleton-upon-Severn, Gloucestershire, cattle dealer, Sept. 19 at 11, Bristol, aud. ac.; Sept. 26 at 11, div.—Alex. Petrie Standing and Charles Petrie Standing, Rochdale, Lancashire, ironfounders, Aug. 27 at 12, Manchester, aud. ac.; Sept. 3 at 12, div.—Charles Powell and Edw. Cooke, Hercules-chambers, Old Broad-street, City, mining share dealers, Aug. 26 at 11, London, div. sep. ests.—Joseph Windle Cole, Great Winchester-street, City, merchant, Aug. 26 at half-past 11, London, div.—John Passam Smith, Coventry-street, Haymarket, Middlesex, tea dealer, Aug. 26 at 1, London, div.—John Swan, Lodenhall street, City, merchant, Aug. 26 at 12, London, div.—Jas. Gilbert, St. Luke's, Middlesex, ironfounder, Aug. 26 at half-past 1, London, div.—David Laing Burn, St. James's-place, Middlesex, and Cornhill, City, merchant, Aug. 26 at half-past 12, London, div.—Henry Addis, Wm. Onions, and Edmund Lloyd, Gloucester, vinegar manufacturers, Sept. 20 at 11, Bristol, first and fin. div. sep. est. of Henry Addis.—William Howie the younger, Bishopsgate Cannings, Wiltshire, seedsman, Sept. 20 at 11, Bristol, div.

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To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

William James Dalton, Batham-hill, Surrey, builder, Aug. 26 at 12, London.—Richard Field the elder, Chastleton, Oxfordshire, and Moreton-in-the-Marsh, Gloucestershire, corn dealer, Sept. 2 at 11, Bristol.—John Ross, Swansea, Glamorganshire, builder, Aug. 27 at 11, Bristol.—Henry Kidd, Stockport, Cheshire, cotton manufacturer, Aug. 29 at 12, Manchester.—John Bromfield Brown, Coventry, ribbon manufacturer, Oct. 2 at 11, Birmingham.—William Thomas, Llanerchymedd, Anglesey, draper, Aug. 26 at 12, Liverpool.—Samuel Wynn, Upper Tranmere, Cheshire, farmer, Aug. 26 at 1, Liverpool.

To be granted, unless an Appeal be duly entered.

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WILLIAM ELSAM and JAMES FRANCIS WALLACE, Gresham-house, Old Broad-street, City, East India merchants, Aug. 19 at 1, and Sept. 17 at 11, London: Off. Ass. Pennell; Sols. Mason & Co., 7, Gresham-street, London.—Pet. f. Aug. 2.

CHARLES GIBBS, Droitwich, Worcestershire, baker, Aug. 19 and Sept. 9 at 11, Birmingham: Off. Ass. Kinnear; Sols. Holyoake, Droitwich; James & Knight, Birmingham.—Pet. d. July 30.

JAMES PORTER, Birmingham, shoemaker, Aug. 16 and Sept. 6 at 11, Birmingham: Off. Ass. Kinnear; Sol. Mole, Birmingham.—Pet. d. Aug. 2.

JAMES PEARCE, Kidderminster, Worcestershire, chemist, Aug. 19 and Sept. 9 at 11, Birmingham: Off. Ass. Whitmore; Sols. Saunders & Son, Kidderminster; James & Knight, Birmingham.—Pet. d. Aug. 2.

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CHARLES MATTHEW SOUTHAUD, Exeter, plumber, Aug. 17 at 11, and Sept. 25 at 12, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. Aug. 2.

GEORGE WILSON and JOHN WILSON, Heckmond-wike, Yorkshire, carpet manufacturers, Aug. 19 and Sept. 16 at 11, Leeds: Off. Ass. Hope; Sols. Iveson, Heckmond-wike; Bond & Barwick, Leeds.—Pet. d. and f. July 26.

EDWARD LYON and JOSEPH GREENWOOD, Hytton Quarry, Lancashire, builders, Aug. 15 and Sept. 9 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Co., Liverpool.—Pet. f. July 31.

THOMAS COATES, Sunderland, publican, Aug. 15 and Sept. 18 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ransom & Son, and Young, Sunderland.—Pet. f. Aug. 1.

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## THE JURIST.

LONDON, AUGUST 10, 1861.

SINCE the extinction of the last of the Statute-law Commissions by a Parliament which thoroughly appreciated its merits, the probabilities in favour of the ultimate consolidation of the bulky and inconsistent mass of our statute law at once was materially increased. That commission being out of the way, the preliminary process of the revision of the statute-book appears to have been slowly—but, we believe, nevertheless surely—making progress; *slowly*, because the two gentlemen employed in the work, however great may be their industry and ability, cannot be expected to perform, except after a considerable lapse of time, what might well occupy the labours of thrice their number; *surely*, because we believe that those gentlemen will fairly and honestly use their best endeavours to complete the task intrusted to them in an accurate and trustworthy manner.

The important change, however, by which the Great Seal has been placed in the hands of Lord Westbury, leads us to anticipate that the revision, and ultimate consolidation, of the statute law will be prosecuted hereafter with a vigour worthy of his reputation as a law reformer, and of the great importance of the subject both to the public and to the Profession.

Looking forward with great hope to the future, let us at the same time award due praise to those who have, by preparing the materials for the Statute-law Revision Act, 1861 (which has just received the assent of the Crown), made a very important step towards

the consolidation and revision of the statutes. The act is intitled "An Act for promoting the Revision of the Statute Law, by repealing divers Acts and Parts of Acts which have ceased to be in force." Its object is one which we have often insisted upon as being in this country the almost necessary preliminary to an ultimate consolidation of the statute-book, viz. "the revision of the statute law, and particularly the preparation of an edition of the statutes, comprising only enactments which are in force."

The greatest difficulty in the preparation of a new edition of the statutes doubtless arises from the slovenly mode of former legislation, which renders it difficult to determine whether an act, not expressly repealed, has been repealed by implication, or, at any rate, virtually suspended by subsequent acts or parts of acts. It was, therefore, impossible for any persons, undertaking a new edition of the statutes, to omit therefrom, on their own responsibility, any acts or parts of acts which had not been expressly repealed.

The act which has just received the royal assent consists principally of a very carefully prepared schedule, with four columns, the first shewing the act to be repealed, the second the subject of the act, and the third the extent of the repeal. In the bill there was a fourth column, for the information of Parliament (but which was struck out at a late stage of the bill), shewing the grounds of the proposed repeal.

The schedule commences with stat. 11 Geo. 3, c. 32, and comes down through the statute-book to the present time, and contains nearly 800 statutes, which are now expressly repealed. The draftsmen who prepared the Statute-law Revision Act, 1861, in an introductory

preface to the bill, explaining its operation, state that acts of modern date, which have ceased to be in force without being the subject of express or specific repeal, may be regarded as divisible into, first, acts repealed in general terms; secondly, acts virtually repealed; thirdly, acts suspended, when a later act effects the same purposes as an earlier one, and thus renders the retention of the earlier one useless; fourthly, acts expired—that is, acts which, having been originally temporary, have not been made permanent, or been kept in force by continuance; fifthly, acts spent—that is, acts exhausted or spent in operation at the moment of their first taking effect, or at some specified time, or on the doing of some act authorised or required. The Statute-law Revision Act, 1861, deals only with acts of the three first classes. Where, however, part of an act dealt with in the Statute-law Revision Act, 1861, was spent or expired, that part is not excluded from the repeal; and so, where part of an act had been already expressly and specifically repealed, that part is not excluded from the repeal by the act.

In consequence of the adoption of this course, which must commend itself to every one for its simplicity and convenience, the repeals in the act are in the great majority of cases of the whole of each act dealt with, instead of being merely repeals of "so much as is not expired" or "spent," or of "so much as is not already repealed."

This being the composition and plan of the schedule, the act simply repeals the acts there enumerated, to the extent mentioned in the third column of the schedule, except as to any operation already effected by, or act done under, any enactment therein comprised, or as to any right, title, obligation, or liability acquired or accrued under any such enactment.

We presume that during the next session we shall have a similar bill presented to Parliament, which will subject to the same process all acts, or parts of acts, from the time of Magna Charta down to and inclusive of the 10 Geo. 3, which have ceased to be in force, but have not been expressly and specifically repealed.

When this is done, a very large portion of useless, but very embarrassing, matter will have been clearly swept from the statute-book.

In addition to this, we think that another process should be adopted with reference to the statutes still remaining unrepealed, the object of which should be to separate from the really general public statutes, without repealing them, those statutes which do not fairly come within that category—such, for instance, as the acts solely relating to Scotland, Ireland, India, or the colonies; and, above all, those of a purely local and personal character. Separate lists should, we think, be made of these acts preparatory to their being printed by authority of Parliament, under appropriate titles, in some separate form, or, at any rate, so that they may be eliminated from the new edition of the general and public statutes of the realm.

In the meantime, we cannot but regret that an attempt, at any rate, should not be made to print in a separate volume or part of a volume, each year, such of the statutes of the realm as are solely of a public, general, and permanent character; while the rest should be printed either together or separately, according to their real nature and character. Thus, then, would be done by the Legislature itself, each year, what, in our opinion, remains still to be done, and must be done, by the revisers and consolidators of past legislation, before it can be compressed into anything like a reasonable shape and bulk.

## BOOK RECEIVED.

Gas Legislation. Being a copious Index to the Metropolis Gas Act, 1860, with a Commentary on the Act, and Observations on recent Gas Legislation. By Samuel Hughes, F.G.S., Civil Engineer. 12mo, pp. 240.—Waterlow.

[The author was employed by the delegates of the metropolitan vestries and district boards in the parliamentary proceedings which resulted in the passing of the act, and he appears to have collected a large amount of useful information in this work.]

## NEW LAW COURTS.

REMARKS OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY ON THE TREASURY MINUTE OF THE 16TH JULY, 1861, RELATING TO THE PROVISION OF FUNDS FOR THE NEW LAW COURTS, WITH REFERENCE TO THE TWO BILLS NOW BEFORE PARLIAMENT.

It is much to be regretted that this "minute" was not issued at an earlier period. The facts and figures on which it purports to be founded have been for many months in the possession of the Treasury. They were well known, or were readily accessible, before authority was given by the Treasury for the preparation and deposit, at the public expense, of the plans and books of reference relative to the proposed site, and the giving of the notices required by the Standing Orders of Parliament. They were well known while the Site Bill was passing, as a Government measure, through the two Houses, and while the Money Bill was under the consideration of the select committee of the House of Commons; and yet it was not until that committee had closed its sittings and made its report, and until all opportunity of inquiry and explanation might be supposed to have passed away, that a "minute" is issued under Treasury authority, which, if its statements and reasoning be well founded, stultifies the report of a royal commission, and utterly defeats a Government measure professing to be founded thereon.

The professed object of the "minute" is, "that Parliament and the public should be fully apprised of the amount of charge which will be incurred, and the extent of liability for the same to which the public revenues may be subject," if the full scheme recommended by the royal commissioners be carried into effect.

With this view, the "minute" proceeds to shew, that whilst, on the one hand, the cost of acquiring the site recommended by the royal commissioners, and of erecting thereon the buildings proposed by them, will exceed their estimate by no less a sum than 500,000l.; on the other hand, the funds pointed out by the commissioners as available for the object will fall short of their estimate by not less than 189,000l., the two sums together amounting to 689,000l., which the "minute" represents as the "probable deficiency to be provided by vote of Parliament."

I. With regard to the cost of the site and buildings. The difference between the two estimates arises as follows:—

### COMMISSIONERS' REPORT.

Cost of site . . . . .	£675,000
Ditto of buildings . . . . .	675,000
Contingencies . . . . .	150,000
	<hr/>
	£1,500,000

TREASURY MINUTE.

Cost of site . . . . .	£750,000
Ditto of buildings . . . . .	750,000
Contingencies . . . . .	500,000
	<hr/>
	£2,000,000

The excess of the latter over the former being thus made up as follows:—

Site . . . . .	£75,000
Buildings . . . . .	75,000
Allowance for contingencies . . . . .	350,000
	<hr/>
	£500,000

Now, it is to be observed, that the Report of the Commissioners was founded upon evidence given before them, the accuracy of which has since been confirmed by an eminent architect and surveyor, who was examined before the select committee of the House of Commons, to which the Money Bill, now before Parliament, was referred. The parliamentary plans and notices for the Site Bill were prepared under the immediate personal direction of that gentleman, who has made a minute and careful estimate of every property included therein, house by house. He estimates the value of the whole, including costs of purchase and compensation, at 678,044*l*. He also confirms the estimate, that the cost of erecting all the buildings necessary for carrying into effect the entire scheme recommended by the royal commissioners, including an ample allowance for contingencies, will not exceed the sum named in their Report. On the other hand, the figures set forth in the Treasury minute are "conjectural" only. The sums there named as the probable cost of the site and buildings are expressly stated to be founded on the "conjectures" of the officers of the Board of Works; while the sum set down for "contingencies" seems to be nothing more than a guess of the Lords of the Treasury themselves, who consider that "it would not be safe to put down the item of contingencies at less than one-third of the conjectural estimate, or 500,000*l*." No actual reports or estimates are produced or referred to in support of these "conjectures," and there appears to be no good reason why any other set of figures, of even larger amount, might not with equal propriety have been put forward. The question seems to be, whether reliance is to be placed on mere "conjectures," unsupported by evidence, or on carefully-prepared estimates made by competent persons, and which have been open to examination and inquiry. And it may well be asked whether, in a matter admitted to be of the highest public utility and importance, mere "conjectures" are to be allowed to defeat a scheme recommended by commissioners, who were appointed by the Crown under the advice of one set of Ministers, and whose Report has been adopted and acted upon by their successors in office.

II. With regard to the provision of funds for the proposed new courts. The commissioners recommended the appropriation of two funds, one consisting of stock amounting to 1,492,657*l*. (or, in round figures, 1,500,000*l*.), and the other of cash amounting to 88,254*l*. At the date of their Report the price of Consols was rather more than 93, and the commissioners estimated the value of the aggregate fund, both stock and cash, at, in round figures, 1,500,000*l*. In making this calculation, they undoubtedly overlooked the fact, that a part of the stock (less, however, than a moiety) consisted of Reduced 3*l*. per Cents., which are of somewhat less value than Consols. The price of Government stock, moreover, has since fallen about 3*l*. per cent.; and, making due allowance for this depreciation,

the produce of the aggregate fund, if the whole of the stock were now sold, would probably not much exceed 1,400,000*l*., as stated in the "minute." On the other hand, it must be recollected that the scheme does not contemplate or involve an immediate sale of the whole stock. The sales would be made gradually, and from time to time, as the works proceeded, and would probably be spread over a period of from five to seven years; and as it is impossible to say that, during this interval, the funds might not again advance in price, so there might thus be a considerable increase in the ultimate produce of the fund. The "minute," however, alleges that the portion of the fund which consists of cash (being that referred to in the Report as Fund E., and which, it seems, has since the date thereof increased to 105,773*l*.) is not properly available for the intended purpose, and must therefore be deducted. So deducted, and taking the present prices of Government stock as the basis of calculation, the amount actually available would be reduced to 1,311,000*l*.; and this is the only sum which the "minute" assumes to be now at the disposal of Parliament. The ground on which Fund E. is thus proposed to be struck out of the account is this—that it has arisen from surplus fees of the common-law courts; that these surplus fees are by the *Nisi Prius* Act (15 & 16 Vict. c. 73) directed to be carried to the Consolidated Fund; and consequently that Fund E., which represents the past accumulation of such surplus, belongs by law to the Exchequer, and constitutes a portion of the general public revenue. The "minute" states, that "for some reason, which is not explained, a former Board of Treasury directed the surplus fees of the common-law courts to be retained in the hands of the Paymaster-General, and hence the accumulation of the sum described in the Report as Fund E." The explanation of the fact here referred to can be very readily supplied. When it was found that the fees taken in the common-law courts were far more than sufficient to defray the expenses for which they were avowedly levied, and that there was a considerable surplus, application for their reduction was made to the proper authorities by the Incorporated Law Society (on behalf of the general body of the Profession practising in those courts). It was represented, that, admitting it to be right to exact fees from suitors to meet the expenses, or a part of the expenses, of carrying on the business of the courts, it was a violation of every sound principle to tax them for the ordinary purposes of the State—in other words, that the administration of justice was not a legitimate subject of general taxation. The Treasury of that day admitted the justice of these representations, and while they declined to reduce the fees until it had been ascertained whether, upon an average of years, they were adequate in amount to cover current expenses, they directed the ascertained surplus to be treated as in the nature of a suspense account, and to remain in the hands of the Paymaster-General until its ultimate appropriation should be determined on. The accumulation of the surplus thus went on from year to year, until it reached the amount referred to in the Report of the Commissioners, who were *unanimously* of opinion that there could not be "a more legitimate application thereof than towards the completion of a scheme from which the suitors at common law will derive the most essential advantage." The argument of the "minute," that "the fees of common-law courts cannot be considered as a fund properly applicable to providing buildings for the Court of Chancery or the Court of Probate," is utterly unsound and fallacious, and is completely at variance with the whole tenor of the Report. If it were true, it would follow that, by parity of reasoning, the fees of the Court



of Chancery could not properly be applied to providing buildings for the courts of law; and in that case no part of Funds B. and D.—which have arisen exclusively, the former from the profitable use of the money of suitors in Chancery, the latter from fees paid by them—would be available for the purposes of the proposed scheme. But such a conclusion would strike at the very root of the Commissioners' Report, and, if admitted, would prove, not that the fund is inadequate, but that there is no fund at all. And if this be so, then the Report of the Commissioners is a farce; the act of the Government in bringing in the two bills now before Parliament, which purport on their very face to be founded on that Report, was a mockery and a delusion; and the costs incurred in their preparation a waste of the public money. Assuming, then, that the present accumulation of the fees in question (105,753*l.*) may properly be dealt with for the purposes of the scheme, and adding that sum to the value of the stock, there would be an aggregate fund of more than 1,400,000*l.* immediately available for the proposed object, and the deficiency would be reduced from 500,000*l.* to less than 100,000*l.*

Considering the primary importance of the object—the provision of suitable courts for the administration of justice to all the subjects of the realm—it might have been thought that even the larger of these sums would, after all, have been no more than a reasonable contribution from the funds of the State; more especially as, by the execution of the proposed scheme, a very large sum, which must otherwise be expended in the erection of proper buildings at Doctors' Commons for the Courts of Probate and Divorce, including a fire-proof depository for wills, will be entirely saved. But there are other resources indicated in the Report of the Commissioners, although not included in their calculations, which will more than cover the apprehended deficiency, and effectually protect the public revenue from the risk of loss.

If the full scheme of the commissioners should be carried into effect (and this is the theory on which the Treasury minute is founded), "large and valuable blocks of buildings" (to borrow the language of the commissioners in the 107th paragraph of their Report) belonging to the public, and now used for the purposes of the equity courts and offices, would be set free, and might be brought to sale. The value of these buildings and their sites has been carefully estimated, and it amounts to no less a sum than 265,000*l.*, without including the courts of bankruptcy and insolvency, which may or may not be comprehended in the proposed scheme.

But further, in addition to the buildings referred to, the freehold of which is vested in the public, other buildings are hired for the use of the different courts and their officers, for which rents are paid to the amount of 5341*l.* 15*s.* per annum. If the proposed scheme be carried into effect, the whole of these rents will be saved, and the capitalised value of the rental thus saved has been estimated by competent authority at 145,000*l.*

If these sums be added together, the result will be as follows:—

Saving in respect of courts and offices in Doctors' Commons, no longer necessary (say) . . . . .	£100,000
Value of land and buildings set free . . . . .	265,000
Value of rents saved . . . . .	145,000
	<hr/>
	£510,000

There remains to be noticed one additional item of large amount which the "minute" assumes will form

a charge on the public, and which arises in the following manner:—The Funds B. and D., with which the Report proposes to deal for the purposes of the scheme, say 1,500,000*l.* stock, now produce an annual income of 45,000*l.* At the date of the Report this income was subject, to its full amount, to annual payments in the shape of compensation annuities; such charge, however, diminishing at the estimated rate of 2000*l.* per annum by the gradual falling in of the annuities. If the capital of the stock were taken for the purposes of the scheme, it would follow that the income now derived therefrom would cease; and the commissioners recommended that the public should make good the loss thereby occasioned by an annual charge on the Consolidated Fund, subject to a gradual abatement as the life compensations charged on the fund fell in. For the purpose of shewing the actual burthen which this arrangement would entail on the public, the Treasury minute treats the charge as an annuity of 45,000*l.* per annum, decreasing by 2000*l.* a year until it is extinguished in twenty-two years and a half, and it estimates the value of such annuity at 410,000*l.* Adding this sum to the deficiency of 689,000*l.* above referred to, the total charge for which the public would become liable is shewn to be 1,099,000*l.*, or, in round figures, 1,100,000*l.* The whole statement, however, on which this calculation is based may be shewn to be entirely fallacious. For, in the first place, it assumes that the whole amount of stock would be sold at once, and thus that there would be an immediate loss of income, and a consequent charge upon the public of 45,000*l.* per annum at starting. But the fact is, that the sales of stock would be gradually made as the work proceeded, and would be spread over a period of from five to seven years, during the whole of which time the dropping in of the lives of annuitants would year by year diminish the amount of the charge. But, in the next place, there is no just ground for the assumption; that, even if the whole stock were sold at once, the demand on the public would be 45,000*l.* per annum, even for a single year. One year only has elapsed since the date of the Commissioners' Report, and in that year, not 2000*l.*, but 5000*l.* has been saved to the income of the fund by the falling in of compensation annuities; thus reducing the charge to 40,000*l.* per annum, being the same sum as that assumed by the commissioners, on grounds somewhat different, but the validity of which, the results being the same, we need not stop to discuss. From this sum of 40,000*l.* the commissioners proposed to deduct the surplus fees received in the courts of common law, the Court of Probate, and the High Court of Admiralty, amounting together to 24,000*l.* per annum, and which, as they were received by the public, they conceived might be fairly and properly set off against the new charge thrown on the public by means of the proposed scheme, and which would thereby be reduced to 16,000*l.* per annum. The propriety of this deduction is challenged by the Treasury minute, on grounds the validity of which has already been discussed in a former part of this paper, when dealing with the question of the applicability of Fund E. to the objects of this scheme. There are those who contend that no taxes or fees should be taken from suitors upon any pretext or for any purposes; and this was the opinion expressed by the Master of the Rolls not many days since, in his evidence before the select committee of the House of Commons on the pending bill. His Honor on that occasion referred to "the very celebrated pamphlet of Mr. Jeremy Bentham on law taxes, which produced so great a sensation, and put an end to making the courts of law a source of revenue to the public;" and his Honor added, that the reasoning of the pamphlet "applied pre-



ciously to the taxes now levied, though essential to the maintenance of the courts as at present established."

Without adopting this opinion to its full extent, and admitting that fees may properly be levied on suitors in order to aid in maintaining the courts whose aid they invoke, it is conceived that no one can be found at this time of day to assert that suitors, as such, should be taxed, whether by fees or otherwise, for the general purposes of the State. And yet this would be the obvious result if the propositions put forward in the "minute" were to be carried into practical effect.

If, then, the surplus fees, hereafter to be received in the courts of law and of probate, are brought in aid of the scheme, the result to the public will be as follows:—It appears, from the Treasury minute, that the surplus for the last year was—

From courts of law . . . .	£17,519
From the Probate Court . . . .	29,000
	—
	£46,519

There is no reason to anticipate any falling off from either source, the probability being the other way. But, assuming that the fees remain stationary, it is manifest that there would be no demand on the public, even on the hypothesis that the whole stock, constituting Funds B. and D., were immediately sold, and the whole income of 45,000*l.* per annum, now arising therefrom, were at once to cease.

Law Society's Hall, July 26, 1861.

## PUBLIC EXAMINATION OF STUDENTS.

MICHAELMAS TERM, 1861.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations; and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No students shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

**RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.**

An examination will be held in next Michaelmas Term, to which a student of any of the Inns of Court who is desirous of becoming a candidate for a student-

ship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Wednesday, the 23rd day of October next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Wednesday, the 30th day of October next, and will be continued on the Thursday and Friday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Wednesday morning, the 30th October, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Thursday morning, the 31st October, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Friday morning, the 1st November, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects as those already marked out for the examination by printed questions, except that on Friday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

THE READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect the candidates for honours to be well acquainted with the origin and progress of our Laws and Constitution, as explained in chap. 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the

most important provisions of the Great Charter (on which they will find an excellent commentary in Sullivan's Lectures, 39, 40, 41, 42, 43, pp. 343 to 381); with the chapters in Hallam's Constitutional History which contain an account of the Reigns of Henry VIII, Elizabeth, the Stuarts, William III, and Anne; with the State Trials of persons eminent in our history, from the time of Mary to the accession of Anne; with the History of the Law of Treason, Libel, and of the Tenure of Land.

He refers those candidates especially to May's History; the first volume of Lord Clarendon's History; the 26th, 27th, 28th, and 29th chapters in the third volume of Lord Brougham's Political Philosophy; to the close of the 23rd chapter of Hume's History, vol. 8, p. 296, 8vo. ed., the passage beginning, "Thus have we pursued the History of England," &c.; to the third volume of Millar's History; to the Preface to Gilbert on Uses, by Lord St. Leonards; the Preface to the State Trials; the 33rd chapter of the fourth volume of Blackstone's Commentaries (edition in which the text is preserved); to the 6th chapter in the fourth volume of Kerr's Blackstone; chapters 1, 2, and 3 of Mr. Justice Foster's work on the Crown Law; to the second volume of Parliamentary History; to the State Trials, vol. 9, pp. 817, 488; vol. 8, p. 549; vol. 3, p. 826; and Vaughan's Reports, p. 135.

All candidates will be expected to know the principal events in English History from the Conquest to the Accession of George III; to have an accurate knowledge of the Reigns of the Stuart Kings, of Magna Charta, the Petition of Right, the Bill of Rights, the Law of Treason, and the Act of Settlement.

The READER ON EQUITY proposes to examine in the following books:—

1. Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity, part 1.

2. The Cases and Notes contained in the first volume of White & Tudor's Leading Cases; the Act to further amend the Law of Property and to relieve Trustees, 22 & 23 Vict. c. 35; the Act to further amend the Law of Property, 23 & 24 Vict. c. 38; the Act to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills, 23 & 24 Vict. c. 145; the General Orders of the Court of Chancery of the 1st February, 1861, and of the 5th February, 1861 (7 Jur., N. S., part 2, p. 58); Mitford on Pleadings in the Court of Chancery—Introduction, c. 1, ss. 1, 2; c. 1, s. 3 (the first six pages); c. 2, s. 1; c. 2, s. 2, part 1 (the first three pages); c. 2, s. 2, part 2 (the first two pages); c. 2, s. 2, part 3; and c. 3.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER ON REAL PROPERTY LAW proposes to examine in the following books and subjects:—

1. Joshua Williams on the Law of Real Property, 5th ed.

2. A Vendor's Lien for Unpaid Purchase Money—*Mackreth v. Symmons* (15 Ves. 336), and the Notes to that case in 1 White & Tudor's Leading Cases in Equity, 194; Dart's Vendors and Purchasers, 478-487, 3rd ed.

3. The Law of Incorporeal Personal Property, including Personal Annuities, Stocks, Shares, Patents, and Copyrights—Joshua Williams on Personal Property, 164-212, 4th ed.

4. The Rights and Liabilities of Tenants for Life

of Freehold Estates—*Levis Becker's case* (Tudor's Leading Cases in Conveyancing, 19-69).

5. Title by Possession—The Statute of Limitations, 3 & 4 Will. 4, c. 27, Josiah William Smith's Real and Personal Property, 485-498, 2nd ed.; Shelford's Real Property Acts, 122; *Taylor v. Horde* (2 Smith's Leading Cases in the Common Law, 452).

Candidates for honours will be examined in all the foregoing books and subjects; candidates for a certificate in those under heads 1, 2, and 3.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine candidates for honours in the following books:—

1. Warnkönig's Institutiones Juris Romani Privati, lib. 1, De Personis; lib. 3, De Obligationibus.

2. Austin's Province of Jurisprudence Determined; the first four chapters.

Candidates for a certificate will be examined in—  
The first three books of the Institutes of Justinian, Sandars's edition.

The READER ON COMMON LAW proposes to examine in the following books and subjects:—

Candidates for a pass certificate will be examined in—

1. The Ordinary Course of Procedure and Pleading in an Action.

2. Smith's Lectures on the Law of Contracts, last edition, omitting Lectures 6 and 7.

3. Stephen's Commentaries, book 5, "Of Civil Injuries," omitting cc. 2-6 inclusive, 10, and 11.

4. The General Principles of Criminal Law, as set forth in Broom's Commentaries, book 4, cc. 1 and 2, and Criminal Procedure, Id., c. 4.

Candidates for the studentship or honours will be examined in the above-mentioned books and subjects, and also in—

5. The following cases from the first volume of Smith's Leading Cases, 4th ed., with the Notes thereto:—

Law of Contracts—*Collins v. Blantern*, *Lampleigh v. Brathwaite*, *Miller v. Race*, *Wigglesworth v. Dallison*, *Birkney v. Darnell*, and *Peter v. Comp-ton*.

Law of Torts—*Ashby v. White*, *Armory v. Delamirie*, *Coggs v. Bernard*, *Scott v. Shepherd*, *Semayne's case*, and *The Six Carpenters' case*.

6. Fundamental Legal Principles—Broom's Legal Maxims, 3rd ed., c. 5.

7. The Law of Bills of Exchange and Promissory Notes—Smith's Mercantile Law, 6th ed., book 3, c. 1.

8. The Nature and Principles of Evidence—Taylor's Evidence, 3rd ed., part 1.

By order of the Council,  
WESTBURY, C., Chairman.  
Council Chamber, Lincoln's-inn,  
July 31, 1861.

## PROSPECTUS OF THE LECTURES

To be delivered during the ensuing Michaelmas Educational Term, by the several Readers appointed by the Inns of Court.

### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Reader will pursue the History of our Constitution from the Death of James I to the Accession of George III. He will trace the progress and varieties of judicial opinion, as it affected the interpretation of Law—the Law of Real Property, the Law of Evidence, the Law of Libel, the Criminal Law, and the Doctrines of Equity; and he will point out the changes and growth of the Statute Law during the same period.

In his Private Classes he will continue to explain the History of our Constitution, and to point out its gradual progress during the Reigns of the Stuarts.

The books to which he will refer are—Blackstone's Commentaries, by Kerr—Millar's History—Lord Brougham's Political Philosophy, vol. 3—Coke's Reports—Hallam's Constitutional History—Rapin's History of the Period—Appendices to Hume's History—State Trials of the Period—Statute-book of the Period—Fortescue (Amos)—Parliamentary History—Clarendon's Life and History—May's History—Starkie's Law of Libel—Greenleaf on Evidence—Ralph's History and Memoirs—Coke's Institutes—Foster's Crown Law—Brodie's History—Memoirs of Ludlow, Hutchinson, Whitelocke, Burnet, Luttrell, and Warwick—Neale's History of the Puritans—Calmy's Baxter—Halifax's Works—Somers's Tracts—Milton's Prose Works—Thunloe's Correspondence—Harris's Lives.

#### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Six Lectures:—

1. On the History and Constitution of the Court of Chancery.
2. On the Great Seal.
3. On the Legal Jurisdiction of the Court of Chancery.
4. On Pleadings and Procedure in the Court of Chancery.
5. On the Limits of the Equitable Jurisdiction. The Court of Star Chamber.
6. On the Appellate Jurisdiction of the House of Lords.

The Reader on Equity proposes to form two Private Classes, a Senior and Junior, according to the amount of preliminary knowledge possessed by the Students; using, in the Junior, Smith's Manual of Equity Jurisprudence as a text-book; and, in the Senior, examining the principal branches of Equitable Jurisdiction, with a frequent reference to cases; and also commencing the perusal of Lord Redesdale's Treatise on Equity Pleadings.

#### THE LAW OF REAL PROPERTY.

The Reader on the Law of Real Property proposes to deliver, in the ensuing Educational Term, Six Public Lectures on the following subjects:—

1. Composition Deeds between Debtors and Creditors.
2. Powers and Trusts for Sale.
3. The Law of Dower, Freebench, and Curtesy.

In his Private Classes the Reader on the Law of Real Property will refer particularly to the more important cases cited in the Public Lectures. He will also endeavour to go through a course of Real Property Law, using the work of Mr. Joshua Williams as a text-book.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the ensuing Educational Term, to deliver Six Public Lectures on—

1. The Continental and Civil Jurisprudence relating to the Property of Married Women.
2. The Fundamental Principles of International Law.

With his Private Class the Reader proposes to commence a complete course of Roman Law, taking the Institutiones of Warnkönig as his text-book.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, a course of Six Public Lectures as under:—

The First Lecture will be Introductory to the Study of the Law.

The Five succeeding Lectures will be devoted to the Subjects under mentioned:—

1. The Principles of our Common Law, what they are, and whence derived.
2. Tribunals which administer the Common Law.
3. The Three Leading Departments of Common Law—viz. Contract, Tort, and Crime—will be defined and considered.

With his Private Class the Reader proposes to examine the Principles of our Common Law, the Constitution and Jurisdiction of the Courts which administer it, and the classification of matters within its cognisance. He will use as text-books, and for reference, the most recent editions of the following works:—Stephen's Commentaries, Broom's Legal Maxims and Commentaries on the Common Law, and Smith's Leading Cases.

By order of the Council,  
(Signed) WESTBURY, C., Chairman.

#### RULES AND REGULATIONS

FOR CONDUCTING THE EXAMINATIONS UNDER THE ATTORNIES ACT, 23 & 24 VICT. C. 127.

##### *As to Examinations in General Knowledge.*

IN pursuance of the act passed in the session of Parliament holden in the twenty-third and twenty-fourth years of the reign of her present Majesty, intituled "An Act to amend the Laws relating to Attornies, Solicitors, Proctors, and Certificated Conveyancers," we, the Right Hon. Sir Alexander James Edmund Cockburn, Lord Chief Justice of the Court of Queen's Bench; the Right Hon. Sir John Romilly, Master of the Rolls; the Right Hon. Sir William Erle, Lord Chief Justice of the Court of Common Pleas; and the Right Hon. Sir Frederic Pollock, Lord Chief Baron of the Court of Exchequer, do hereby, for the purpose of carrying the said act into effect, order and direct as follows:—

I. In order to carry into effect the 5th section of the said act, we do hereby order and direct, that from and after the first day of Hilary Term, 1862, every person who before entering into articles of clerkship shall produce to the registrar of attornies a certificate that he has successfully passed the first public examination before moderators at Oxford, or the *previous* examination at Cambridge, or the examination in arts for the second year at Durham, or the *matriculation* examination at the universities of Dublin or London, and has been placed in the first division on such matriculation examination, shall be entitled to the benefit of the 5th section of the Attornies Act, 23 & 24 Vict. c. 127.

II. And in order to carry into effect the enactment in the 8th section of the said act, we do hereby further order and direct, that from and after the first day of Hilary Term, 1862, every person proposing to enter into articles of clerkship, not having been called to the degree of utter barrister in England, or not having taken a degree, or passed the examination prescribed under the 5th section of the act, shall produce to the registrar of attornies a certificate that he has successfully passed an examination by special examiners appointed by us, and that such last-mentioned examination be held at such times and places as the examiners shall from time to time appoint, and consist of two parts.

#### PART I.

1. Reading aloud a passage from some English author.
2. Writing from dictation.

3. English grammar.
4. Writing a short English composition.
5. Arithmetic—a competent knowledge of the first four rules, simple and compound.
6. Geography of Europe and of the British Isles.
7. History—questions on English history.
8. Latin—elementary knowledge of Latin.

## PART II.

Each candidate shall offer himself for examination in one of the following subjects:—

1. Latin.
2. Greek, modern or ancient.
3. French.
4. German.
5. Spanish.
6. Italian.

If the examiners conducting such examinations under Part I be satisfied with the proficiency shewn by the candidate, they will sign a certificate to the following effect:—

"We certify that A. B. has been examined in general knowledge by us [or under our direction, in case the examination shall be conducted in the country], as required by the Rules and Regulations of the Lord Chief Justice of the Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, and we certify that he has passed a satisfactory examination."

If the examiners conducting the examination under Part II be satisfied with the proficiency shewn by the candidate, in the language in which he has been examined, they will sign a certificate to the following effect:—

"We certify that A. B. has been examined by us in the — language [as the case may be], and we certify that he has passed a satisfactory examination."

With respect to candidates residing in the country, their examination may be conducted by the transmission by the examiners of papers to some person or persons to be appointed by them for that purpose, in certain towns to be selected in England and Wales, who shall call the candidates before them at convenient times, to be fixed by the examiners, and require them to give written answers in the presence of the persons so appointed, who shall then seal up and send to the examiners in London the answers so written<sup>o</sup>.

The persons so appointed to be remunerated out of the fees to be paid on receiving their certificates by the candidates examined in the country†.

Each person examined in London, on receiving his certificate, to pay the fee of 1*l*.; and each person examined in the country, on receiving his certificate, to pay the fee of 2*l*. to the Council of the Incorporated Law Society.

## As to Intermediate Examination.

III. And in order to carry the enactment in the 9th section of the said act into effect, we do hereby further order and direct—

1. That all persons under articles of clerkship executed after the 1st day of January, 1861, shall be examined either in one of the two terms next before, or one of the two terms next after, one-half of his term of service, in such elementary works on the laws of England as may be appointed by the examiners, and in bookkeeping; and that the names of the books selected for examination in each year may be obtained

\* This direction of course does not apply to reading aloud, as to the proficiency in which of each candidate the person or persons selected must give a certificate.

† The fees of the examiners will be hereafter fixed, according to the number of candidates.

from the secretary of the examiners in the month of July in the previous year.

2. That such intermediate examination shall be conducted in each term by the examiners appointed under the 6 & 7 Vict. c. 23, the Orders of the Master of the Rolls of the 13th January, 1844, and the Rules of the Common-law Courts of Hilary Term, 1853, at such times and places as the examiners shall from time to time appoint.

3. That the applicant for such examination shall give to the secretary of the examiners one month's notice in writing, and leave with him the articles and assignment (if any), duly stamped and registered, under which the applicant is serving his clerkship, with answers to the questions as to his due service and conduct up to that time.

4. That upon compliance with such regulations, if the major part of the examiners present at and conducting such examination shall be satisfied with the answers of the person so applying in the subjects wherein he shall be so examined, the examiners, or the major part of them, shall certify the same under their hands in the following form:—

"In pursuance of the Rules and Regulations made by the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, we, being the major part of the examiners conducting the 'intermediate' examination of A. B. of —, do hereby certify that we have examined him as required by the said Rules and Regulations; and we do certify that his answers to the questions are satisfactory. Dated the — day of —."

5. That in case the applicant should fail to pass such intermediate examination to the satisfaction of the examiners, he may attend the examination in the next or any subsequent term; but if he should not have passed such intermediate examination before the expiration of the second term next after one-half of his term of service, his examination at the expiration of the term of service under his articles shall be postponed for such length of time, or so many terms, as may intervene between such last-mentioned term and his successfully passing such intermediate examination, or for such shorter time as the examiners shall in each case direct.

6. That each person, on giving the notice and complying with the requisitions in clause 3, shall pay a fee of 5*s*., and on receiving his certificate for such intermediate examination, shall pay a fee of 15*s*. to the Council of the Incorporated Law Society.

Dated the 26th day of July, 1861.

A. E. COCKBURN, C. J. Q. B.  
JOHN ROMILLY, M. R.  
W. ERLE, C. J. C. P.  
FRED. POLLOCK, C. B. Exch.

## CONCLUSION OF A WILL.

WE take from *The Solicitors' Journal* of the 20th instant the following form of attestation to a will, which, together with the appended directions and reasons for its use, it professes to have received from an eminent conveyancer:—

"In witness whereof I have hereunto set my hand the day and year first above written (a).

(Signed) "HUGH JONES

"The above writing contained in this and the — preceding sheets of paper having been signed by A. B. of —, as his last will, in the presence of us present at the same time, we, without quitting his presence, do attest and subscribe the same in the presence of

each other, the [5] alterations against which respectively the letter 'A' is placed having been first made."

(a) As it is often necessary, when a will has come into operation, to ascertain the date and the names of the executors, those facts should be placed first, that they may be found at once, without any turning over of the sheets composing the document.

The attestation clause should not be written in a corner, as it usually is, but across the page, and immediately under the signature of the testator; for the witnesses are to *subscribe* the will, of which the signature of the testator is part.

It is incorrect in the attestation clause to refer to "the said testator," for the witnesses are not supposed to have any knowledge of what is contained in the will; it is sufficient if they read the clause they sign.

The form of attestation given above seems to contain in as few words as possible all the facts necessary for a due and proper execution of a will. First, it teaches that the testator has signed; and this is not unnecessary, for cases have occurred where the witnesses signed first, and then the testator, which, of course, was not a due execution. Secondly, it teaches that the witnesses were present at the same time, and that they subscribed in the presence of the testator, and also in the presence of each other; and it also provides a convenient mode of authenticating alterations, instead of the testator and the witnesses placing their initials opposite to each.

## PROCEEDINGS IN AND PROROGATION OF PARLIAMENT.

### HOUSE OF LORDS.

Aug. 1.—The royal assent was given by commission to the Crown Suits Limitation Bill and the Criminal Proceedings (Oaths Relief) Bill.

Aug. 6.—The royal assent was given by commission to the Bankruptcy and Insolvency Bill, the Offences against the Person Bill, the Larceny, &c. Bill, the Malicious Injuries to Property Bill, the Forgery Bill, the Coinage Offences Bill, the Accessories and Abettors Bill, the Criminal Statutes Repeal Bill, the Corrupt Practices Prevention Act (1854) Continuance Bill, the Wills and Domicil of British Subjects Abroad Bill, the Wills of Personalty by British Subjects Abroad Bill, and the Statute-law Revision Bill.

Parliament was then prorogued to the 22nd October.

### MEETINGS.

*John Turner* the younger, Little Ormond-street, Middlesex, licensed victualler, Aug. 16 at 1, London, last ex.—*Joseph Smith*, Great Portland-street, Oxford-street, Middlesex, ironmonger, Aug. 17 at half-past 10, London, and. ac.—*James Nickoll* and *Robert Frazer North*, Bishopsgate-street Within, City, tallow brokers, Aug. 16 at 12, London, and. ac.—*Joel Derham*, Wingland, near Sutton-bridge, Norfolk, railway contractor, Aug. 16 at 11, London, and. ac.—*Frederick W. Thomas*, Basinghall-street, City, auctioneer, Aug. 17 at half-past 10, London, and. ac.—*John E. Smith*, Trump-street, Cheshalpe, City, shirt manufacturer, Aug. 17 at 10, London, and. ac.—*Philip Raphael*, Duke-street, Aldgate, City, wine merchant, Aug. 16 at half-past 10, London, and. ac.—*John Blincoe Hutt*, Cambridge, printseller, Aug. 17 at 11, London, and. ac.—*William Hilliar*, Eastham, Cheshire, hotel keeper, Aug. 22 at 11, Liverpool, and. ac.; Sept. 3 at 11, div.—*George Royle*, Sutton, near St. Helen's, Lancashire, flint-glass manufacturer, Aug. 22 at 11, Liverpool, and. ac.; Sept. 3 at 11, div.—*Hugh Mackay* and *William Bickton Davies*, Liverpool, shipwrights, Aug. 22 at 11, Liverpool, and. ac.—*William Mellor*, Alderley, Cheshire, butcher, Aug. 16 at 12, Manchester, and. ac.; Aug. 30 at 12, div.—*John Cusker*, Manchester, cotton-waste dealer, Aug. 26 at 12, Manchester, and. ac.; Aug. 27 at 12, div.—*James Radmoell*, Ramsbottom, Lancashire, manufacturer, Aug. 16 at 12, Manchester, and. ac.; Aug. 30 at 12, div.—*J. Stewart*, Preston, Lancashire, ironfounder, Aug. 21

at 12, Manchester, and. ac.; Aug. 27 at 12, div.—*G. Price Sincor*, Hendham-vale, Collyhurst, Manchester, carpet manufacturer, Aug. 23 at 12, Manchester, and. ac.; Aug. 30 at 12, div.—*Wm. Parker Hammond*, Scott's-yard, Bush-lane, City, shipowner, Aug. 27 at half-past 1, London, div.—*John Bagshaw*, Dovercourt, near Harwich, Essex, lodging-house keeper, Aug. 27 at 12, London, div.—*Thomas Symone*, Princes-terrace, Calendonian-road, Islington, and St. John-st., Clerkenwell, Middlesex, leather seller, Aug. 29 at 11, London, div.—*W. Hicks Webster*, Chipping Ongar, Essex, corn merchant, Aug. 27 at 1, London, div.—*David George Foster*, St. John-square, Clerkenwell, Middlesex, ironmonger, Aug. 27 at 2, London, div.—*Thomas Mott*, Salisbury, Wiltshire, cabinet maker, Aug. 28 at 12, London, div.—*Benjamin Bateman*, Norwich, tea dealer, Aug. 26 at half-past 11, London, div.—*Richard Peacock*, Southwark-bridge-road, Surrey, licensed victualler, Aug. 28 at 11, London, div.—*J. Moore*, Charlton-street, Euston-road, Middlesex, ironmonger, Aug. 26 at half-past 10, London, div.—*Catherine Dawes* and *Charles Fiddian* the younger, Birmingham, coffin furniture manufacturers, Sept. 2 at 11, Birmingham, and. ac. and div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*James Hayday*, Little Queen-street, Lincoln's-inn-fields, Middlesex, bookbinder, Aug. 27 at half-past 11, London.—*Charles Frederick Bielefeld*, Wellington-street, Strand; Gower-street, Bedford-square; and Staines, Middlesex, papier maché manufacturer, Aug. 28 at 12, London.—*John Moore*, Charlton-street, Euston-road, Middlesex, ironmonger, Aug. 27 at 12, London.—*Robert Roys* and *Henry F. Whittle*, Freemantle, Millbrook, Southampton; Barnsley, Yorkshire; and Higher Bebington, near Birkenhead, Cheshire, contractors, Aug. 28 at 12, London.—*Thomas Kneath*, Swansea, Glamorganshire, wine merchant, Aug. 27 at 11, Bristol.—*Richard Wallington Tilly*, Weston-super-Mare, Somersetshire, draper, Sept. 2 at 11, Bristol.—*Wm. Mellor*, Alderley, Cheshire, butcher, Aug. 30 at 11, Manchester.—*William Balshaw*, Bolton, Lancashire, cotton manufacturer, Aug. 29 at 12, Manchester.—*Daniel Browne* and *William Browne*, Macclesfield, Cheshire, silk manufacturers, Aug. 29 at 12, Manchester.—*John Day* the younger, Coventry, and Noble-street, City, ribbon manufacturer, Oct. 2 at 11, Birmingham.—*Samuel Langdale*, Nottingham, trimmer, Nov. 5 at half-past 11, Nottingham.—*John Moscop*, Liverpool, provision dealer, Aug. 27 at 12, Liverpool.—*Wm. Green*, Liverpool, licensed victualler, Aug. 27 at 11, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Joseph Pickering*, Suffolk street, Mile-end, Middlesex, and Mark-lane, City, manufacturing chemist.—*Edw. Shevington* and *James John Clutterbuck*, Russell-street, Bermondsey, Surrey, leather dressers.—*Robert Pratt*, Great Yarmouth, Norfolk, bricklayer.—*James Goddard*, Earl Soham, near Framlingham, Suffolk, draper.—*John Jukes* the younger, Wharf-road, City-road, Middlesex, manufacturer of patent furnaces.—*Thomas F. Diamond*, Blue Boar-court, Friday-street, City, warehouseman.—*Thomas Colley*, Princes-street, Westminster, Middlesex, grocer.—*Guillaume Guillaume*, Mount Radford, St. Leonard, and Exeter, Devonshire, watchmaker.—*Wm. Hilliar*, Eastham, Cheshire, hotel keeper.—*Ann Sayle*, Liverpool, dealer in boots.—*Wm. Foster*, Manchester, cloth-cap manufacturer.—*George Simons*, Leicester, manufacturer of hosiery.—*James Wadson*, Fleet, Lincolnshire, innkeeper.—*John Hill* and *Wm. Hill*, Nottingham, coal merchants.—*George Burrows*, Nottingham, lace manufacturer.—*Wm. Tait*, Nottingham, jeweller.—*Thomas T. Butterworth*, Birmingham, jeweller, and Great Bridge, Staffordshire, licensed victualler.

### SCOTCH SEQUESTRATIONS.

*James Dunnet*, Stromness, grocer.—*John Scott & Co.*, Glasgow, biscuit manufacturers.—*Allan Forbes*, Dunfermline, cattle dealer.—*Hugh Debbie*, Glasgow, fletcher.—*M. Macaulay*, deceased, Linshader, Uig, Island of Lewis, Ross-shire, farmer.

The Queen has been pleased to appoint Henry Paring Pellew Crease, Esq. to be Attorney-General for the colony of British Columbia.

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## GAZETTES.—FRIDAY, Aug. 9.

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**THOMAS JOHN NICKS**, Tower-hill, City, provision merchant, Aug. 22 at half-past 11, and Sept. 12 at 1, London: Off. Ass. Bell; Sol. Peddell, Cheapside.—Pet. f. Aug. 7.

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**NATHAN AARON JOSEPH**, Vine-street, Minories, City, importer of foreign goods (trading under the style or firm of N. A. Joseph & Co.), Aug. 21 at 1, and Sept. 11 at half past 1, London: Off. Ass. Stunsfeld; Sols. Spyer & Son, 8, Broad-street-buildings, London.—Pet. f. Aug. 6.

**FREDERICK WARNE FITT**, Selborne, near Alton, Hampshire, machinist, Aug. 21 and Sept. 11 at 2, London: Off. Ass. Stansfeld; Sols. Edgcombe & Cole, Portsea; Pownall & Co., Staple-inn, London.—Pet. f. Aug. 8.

**WILLIAM PASSLEY**, Martock, Somersetshire, builder, Aug. 19 at 11, and Sept. 11 at 12, Exeter: Off. Ass. Hirtzel; Sol. Floud, Exeter.—Pet. f. Aug. 8.

**RICHARD HENRY HARTLEY**, Halifax, Yorkshire, merchant, Aug. 20 and Sept. 20 at 11, Leeds: Off. Ass. Young; Sols. Stocks & Franklin, Halifax; Bond & Barwick, Leeds.—Pet. d. Aug. 3.

**JOHN HAIGH**, Wakefield, Yorkshire, common brewer, Aug. 20 and Sept. 20 at 11, Leeds: Off. Ass. Young; Sols. Brown, Wakefield; Cariss, Leeds.—Pet. d. Aug. 3.

**GEORGE WILKINSON**, Swinton, Wath-upon-Dearne, Yorkshire, butcher, Aug. 24 and Sept. 28 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Burdekin, Sheffield.—Pet. d. and f. Aug. 7.

**JAMES GARTON**, Nottingham, and **DANIEL BROWN**, Manchester, fancy goods dealers (trading under the style or firm of Garton & Brown), Aug. 23 and Sept. 13 at 12, Manchester: Off. Ass. Fraser; Sols. G. & R. W. Marsland, Manchester.—Pet. f. July 31.

**THOMAS RAGLAND**, Wigan, Lancashire, stationer, Aug. 21 and Sept. 11 at 12, Manchester: Off. Ass. Fraser; Sol. Darlington, Wigan.—Pet. f. Aug. 3.

**GEORGE KELSEY LEE**, Sunderland, Durham, linen-draper, Aug. 21 and Sept. 18 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. J. J. & G. W. Wright, Sunderland.—Pet. f. Aug. 1.

## MEETINGS.

*Abraham Henry James and Thomas Roberts*, Newport, Monmouthshire, builders, Oct. 7 at 11, Bristol, last ex.—*William Laidler*, Sunderland, Durham, boot manufacturer, Aug. 21 at 12, Newcastle-upon-Tyne, last ex.—*Arthur Duffie Kidd*, Fore-street and Cripplegate-buildings, City, straw-hat manufacturer, Aug. 19 at 1, London, aud. ac.—*Adolphus Scherman*, George-street, Minories, City, merchant, Aug. 20 at 12, London, aud. ac.—*Henry Broadbent Gaskell*, Liverpool, broker, Aug. 22 at 11, Liverpool, aud. ac.; Sept. 19 at 11, div.—*Samuel William Lavender*, Liverpool, merchant, Aug. 22 at 11, Liverpool, aud. ac.—*Patrick Preston*, Liverpool, shoe manufacturer, Aug. 22 at 11, Liverpool, aud. ac.—*Robert Ballantyne*, Liverpool, merchant, Aug. 23 at 11, Liverpool, aud. ac.—*John Robinson*, Liverpool, plumber, Aug. 22 at 11, Liverpool, aud. ac.—*James Ogden*, Redditch, Lancashire, cotton spinner, Aug. 20 at 12, Manchester, aud. ac.—*James Benjamin Copland*, Manchester, wine merchant, Aug. 19 at 12, Manchester, aud. ac.; Sept. 3 at 12, div.—*Patrick Shanley*, Manchester, shoemaker, Aug. 23 at 12, Manchester, aud. ac.; Aug. 30 at 12, div.—*John Neesh*, Aylsham, Norfolk, miller, Sept. 5 at 11, London, div.—*William Brook*, Manchester, Lancashire, and Goldsmith-street, London, stuff merchant, Aug. 21 at 12, Manchester, aud. ac.—*Alexander Bain*, Ardwick, Manchester, draper, Sept. 3 at 12, Manchester, aud. ac.—*Robert Beard*, Snow's-fields, Bermondsey, Surrey, wheelwright, Aug. 31 at half-past 12, London, div.—*John Wiseman*, Luton, Bedfordshire, printer, Aug. 31 at half-past 11, London, div.—*John Baker*, Heathfield, Sussex, tanner, Aug. 31 at 11, London, div.—*Catherine Davies and Charles Fiddian* the younger, Bir-

mingham, coffin-furniture manufacturers, Sept. 2 at 11, Birmingham, aud. ac. and div.—*Spencer Percival Pennell*, Liverpool, commission merchant, Aug. 30 at 11, Liverpool, div.—*Archibald Vickers*, Disley, Cheshire, cotton spinner, Aug. 30 at 12, Manchester, div.—*Chas. Eaton* the younger, Manchester, leather factor, Sept. 3 at 12, Manchester, div.

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## TUESDAY, Aug. 13.

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**THOMAS WILLS**, Newtown, Alverstoke, Southampton, licensed brewer, Aug. 24 at half-past 11, and Sept. 27 at 11, London: Off. Ass. Cannan; Sols. Clark, Bishop's Waltham; Godwin, 4, Essex-court, Temple.—Pet. f. July 26.

**CHARLES HUMFREY** and **CHARLES HUMFREY** the younger, Suffolk-grove, Great Suffolk-street, Southwark, Surrey, oil refiners, Aug. 24 and Sept. 27 at 12, London: Off. Ass. Cannan; Sol. Combs, 25, Bucklersbury.—Pet. f. Aug. 12.

**CHARLES FOSTER ROBINSON**, Sussex-street, Warwick-square, Pimlico, Middlesex, boarding-house keeper, Aug. 23 at half-past 10, and Sept. 11 at half-past 12, London: Off. Ass. Graham; Sol. Smith, 90, Denbigh-street, Pimlico.—Pet. f. Aug. 12.

**CHARLES MOODY**, Portsea, Southampton, edge-tool manufacturer, Aug. 27 at 1, and Sept. 19 at 12, London: Off. Ass. Johnson; Sols. Edgcomb & Cole, Portsea, Hampshire; Pownall & Co., Staple-inn, London.—Pet. f. Aug. 10.

**SAMUEL HORSWELL**, Padstow, Cornwall, draper, Aug. 27 and Sept. 25 at 12, Exeter: Off. Ass. Hirtzel; Sols. Turner & Hirtzel, Exeter; Mason & Co., 7, Gresham-st., London.—Pet. f. July 29.

## MEETINGS.

*Stanley James Wood*, Millwall, Middlesex, cement manufacturer, Aug. 24 at half-past 12, London, aud. ac.—*Gorge Abbott*, Birmingham, machinist, Sept. 6 at 11, Birmingham, aud. ac.; Sept. 20 at 11, div.—*William Parnham*, Nottingham, licensed victualler, Aug. 23 at 11, Nottingham, aud. ac.—*Thomas Kneath*, Swansea, Glamorganshire, wine merchant, Sept. 5 at 11, Bristol, aud. ac.—*George Woodford*, Lydiard Millicent, Wiltshire, butcher, Sept. 5 at 11, Bristol, aud. ac.—*George Bealey*, Highbridge, Somersetshire, inn-keeper, Sept. 5 at 11, Bristol, aud. ac.; Sept. 23 at 11, last ex.—*Jos. John Moody*, Stockport, Cheshire, cotton doubler, Sept. 2 at 12, Manchester, aud. ac.—*John Haworth*, Hay-

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By DR. MIDDLETON.

White v. Steele and Lenton.—(Appeal—Church rate—Money borrowed under stat. 3 Geo. 4, c. 72, s. 26—Jurisdiction).....	805
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## THE JURIST.

LONDON, AUGUST 17, 1861.

IN our impression of the 27th July (ante, p. 289) we inserted a statement, taken from a morning paper, that on the 18th July, "at a parliament held, after many adjournments, Mr. Edwin James, Q. C., was disbarred by the Benchers of the Inner Temple; and that fact was ordered to be communicated to all the judges of law and equity, and the other three Inns of Court;" and likewise, from the same source, a letter, purporting to come from the solicitor of Mr. James, stating that notice had been given of his intention to appeal to the judges against that order.

The name of Mr. Edwin James has been very prominently before the Profession for some months past. In the beginning and spring of this year he was in the position he had long held at the Bar—a Queen's counsel of acknowledged ability and high practice; recorder of a populous and flourishing town; and more than once spoken of as likely to be invested with the office of Solicitor-General, and in time succeed to those higher offices to which it usually leads. He was also a busy and energetic member of Parliament, in which he represented a large, populous, and rich metropolitan borough. Nor was his fame confined to England; his able defence of Dr. Bernard, some years since, having procured him a continental reputation; and he had recently made himself conspicuous on the occasion of Garibaldi's celebrated expedition to the Two Sicilies, which he accompanied as an amateur, though not in a military capacity. For some considerable time past, indeed, it was well known that his pecuniary

affairs were not in a satisfactory state; but even at the beginning of the spring, few persons, if any, were prepared for the catastrophe that was so rapidly approaching. First, in April, to the general astonishment, Mr. James resigned his seat as member for Marylebone, and also his office of recorder of Brighton (ante, p. 162). About a month later it was stated that he had filed a petition in the Court of Bankruptcy, under the 7 & 8 Vict., for private arrangement with his creditors, and that his debts and liabilities amounted to very nearly 100,000*l.* (ante, p. 213); and now we have the announcement referred to at the head of the present article.

Ever since these events in the career of Mr. James rumour has been extremely busy with his name, and reports attributing them to misconduct of a serious nature on his part have spread far and wide. Numerous were the causes assigned for these events, and the conduct of Mr. James has not only been freely canvassed in the Profession, but many notices respecting it have appeared in the public prints, some evidently proceeding from his friends, and others from sources hostile to him. During all this time, we, having ascertained that the conduct of Mr. James was to be inquired into by the Benchers of the Inn of Court to which he belonged, deemed the matter sub judice, and cautiously forbore alluding to it further than simply to notify to our readers the several events as they occurred. But now that judgment in his case has been pronounced by the proper tribunal, we feel that we ought to keep silence no longer, and we deem it our duty to state as our decided conviction that the time for secrecy on this subject has passed by. The disbarring any gentleman (except, of course, when done at his own request,

to enable him to follow some other avocation than the Bar) is at all times a serious affair; but when so strong, and we believe unprecedented, an act of authority is exercised as the disbarring a Queen's counsel, the Profession and the Public have a right to know the reason. In the present case, in particular, they have a right to ask, "For what crime or misconduct is it that a gentleman in so eminent a position is visited with a destruction so total, and, as it were, 'shot from the heavens like a falling star?'" And this the more especially as all the reports on the subject, however irreconcilable in many respects, agree in this, that the proceedings against him have not been based merely on pecuniary embarrassment, which would indeed be a most weak and unsatisfactory basis for them. We hope we shall not be misunderstood as questioning in the least the decision of the Benchers in this matter; indeed, our ignorance of the grounds on which it proceeded would alone preclude that; added to which, the maxim "*Presumitur pro justitia sententie*" applies in this case as well as in that of other judicial tribunals; but mystery in such matters is repugnant alike to our laws, customs, and feelings; and the following arguments used by Bentham against secrecy in judicial proceedings apply here in their full force:—

"Upon the moral faculties of the judge publicity acts as a check, restraining him from active partiality and improbity in every shape; upon his intellectual faculties it acts as a spur, urging him to that habit of unremitting exertion, without which his attention can never be kept up to the pitch of his duty. Without any addition to the mass of delay, vexation, and expense, it keeps the judge himself, while trying, under trial. Under the auspices of publicity, the original cause in the court of law, and the appeal to the court of public opinion, are going on at the same time. So many bystanders as an unrighteous judge—or rather a judge who would otherwise have been unrighteous—beholds attending in his court, so many witnesses he sees of his unrighteousness, so many ready executioners, so many industrious proclaimers of his sentence. On the other hand, suppose the proceedings to be completely secret, and the court on the occasion to consist of no more than a single judge, that judge will be at once indolent and arbitrary; how corrupt soever his inclination may be, it will find no check—at any rate, no tolerably efficient check—to oppose it. . . . Publicity is further useful as a security for the reputation of the judge (if blameless) against the imputation of having misconceived, or, as if on pretence of misconception, falsified, the evidence. Withhold this safeguard, the reputation of the judge remains a perpetual prey to calumny, without the possibility of defence." (1 Bentham's *Jud. Ev.* 523-525).

We repeat, the time for secrecy in this matter has gone by; and the Benchers of the Inner Temple owe it alike to themselves, the Profession, the public, and even to Mr. James himself, to persevere in their reserve no longer. Nor does the circumstance of Mr. James having announced his intention to appeal against the sentence make any difference. An appeal stops nothing; as Mr. James, if innocent, will have found to his cost; add to which, there is no certainty that the appeal will be prosecuted.

## RIGHTS OF BELLIGERENTS IN CIVIL WAR.

EXTRACTS from opinions delivered in the Supreme Court of the United States:—

In the Supreme Court of the United States, in 1796, Chase, J., said—"In June, 1776, the convention of Virginia formally declared that Virginia was a free, sovereign, and independent state; and on the 4th

July, 1776, following, the United States, in congress assembled, declared that the thirteen united colonies were free and independent states, and that as such they had full power to levy war, conclude peace, &c. I consider this as a declaration, not that the United States jointly, in a collective capacity, were independent states, &c., but that each of them was a sovereign and independent state—that is, that each of them had a right to govern itself by its own authority and its own laws, without any control from any other power upon earth. Before these solemn acts of separation from the Crown of Great Britain, the war between Great Britain and the United Colonies jointly and separately was a civil war; but, instantly on that great and ever-memorable event, *the war changed its nature, and became a public war between independent governments*, and immediately thereupon all the rights of public war (and all the other rights of an independent nation) attached to the government of Virginia; and all the former political connexion between Great Britain and Virginia, and also between their respective subjects was totally dissolved; and not only the two nations, but all the subjects of each, were in a state of war, precisely as in the present war between Great Britain and France." (*Ware v. Hylton*, etc., 3 Dall. 224).

In 1815, Story, J., delivering the opinion of the Supreme Court, said—"The definition of prize goods is, that they are goods taken on the high seas, *jure belli*, out of the hands of the enemy. When so taken the captors have an undoubted right to proceed against them as belligerent property in a Court of Prize; for in no other way, and in no other court, can the questions presented on a capture *jure belli* be properly or effectually examined. The very circumstance that it is found in the possession of the enemy affords *prima facie* evidence that it is his property." (Case of the schooner *Adeline*, 9 Cranch, 284, 285).

In 1818, on an indictment against several persons for piracy committed on the high seas, the Supreme Court was called on to consider questions "which respect the rights of a part of a foreign empire which asserts and is contending for its independence." On that occasion Marshall, C. J., in delivering the opinion of the Supreme Court, said—"In such contests a nation may engage itself with the one party or the other, may observe absolute neutrality, may recognise the new state absolutely, or may make a limited recognition of it. The proceeding in court must depend so entirely on the course of the government that it is difficult to give a precise answer to questions which do not refer to a particular nation. It may be said generally, that if the government remains neutral, and recognises the existence of a civil war, its courts cannot consider as criminal those acts of hostility which war authorises, and which the new government may direct against its enemy. To decide otherwise would be to determine that the war prosecuted by one of the parties was unlawful, and would be to arrange the nation to which the court belongs against that party." (*The United States v. Palmer*, 3 Wheat. 634, 635).

This decision established the principle, that the government of the United States having recognised the existence of a civil war between Spain and her colonies, but remaining neutral, the courts of the Union were bound to consider as lawful those acts which war authorised, and which the new governments in South America might direct against their enemy. So it was declared by Marshall, C. J., in 1819, in delivering the opinion of the Supreme Court in the case of *The Divina Pastora* (4 Wheat. 63).

In the case of *The Estrella*, captured in 1819 by The Constitution, of Venezuela, the Court was satisfied with the proof which had been made of The Constitution having had a commission at the time of making

the capture, and that such commission was granted by the government of Venezuela. (*The Estrella*, 4 Wheat. 308, 304). There was before the Court in the same year (1819) another case, in which the only question was, whether an original Spanish owner was entitled to the aid of the courts of the United States to restore to him property of which he had been dispossessed by capture under a commission derived from the revolted colonies; and this question was considered by the Court as having been fully decided by the principles assumed in the case of *The United States v. Palmer*, and by the decisions in the cases of *The Divina Pastora* and *The Estrella*. Johnson, J., in delivering the opinion of the Supreme Court, said—"War notoriously exists, and is recognised by our government to exist, between Spain and her colonies. This is an appeal to the highest of all tribunals on a question of right. No neutral nation can act against either without taking part with the other in the war. All that the law of nations requires of us is strict and impartial neutrality, and no friendly nation ought to demand of the courts of this country to do an act which may involve it in a war with the victor. Our duty is, where the property of either is brought innocently within our jurisdiction, to leave things as we find them; much more, to restore them to that state from which they have been forcibly removed by the act of our own citizens. The treaty with Spain can have no bearing upon the case, as this Court cannot recognise such captors as pirates, and the capture was not made within our jurisdictional limits. In those two cases only does the treaty enjoin restitution."

### Revised.

*A Treatise on the Law of Inland Carriers.* By EDMUND POWELL, Esq., of Lincoln College, Oxford, M.A., and of the Inner Temple and Western Circuit, Barrister at Law, Author of "*A Treatise on the Principles of Evidence.*" Second Edition. [Butterworths, London; Hodges, Smith, & Co., Dublin. 1861.]

In order to understand the design of the author in this work, as well as to appreciate the difference between the former and the present edition, it will be necessary to look at their respective Prefaces. In the former, published in January, 1856, Mr. Powell says—"Few branches of the law involve questions of more daily practical interest and importance than the law of carriers, and yet it is a branch which hitherto has attracted little systematic treatment by any member of the Profession. The American treatise by Mr. Angell is the only modern work on the subject, and it is deservedly a work of high authority in the courts. But the last edition of it was published many years since, and the multitude of cases which have been decided subsequently in the English courts appeared to call for a new digest and treatise. Many also of the common-law principles, which are recognised in the American courts, have been either modified in England, or altogether varied by the Legislature. In this treatise, therefore, the author has attempted to supply a patent deficiency in law libraries, and to give the consolidated results of the latest acts of Parliament and decisions of the Courts." In the latter, published during the present vacation, he says—"This second edition has been revised carefully, and substantially rewritten. The two chapters on the Railway and Canal Traffic Act, 1854, are quite new, and they contain, I hope, a correct analysis and summary of the intricate cases which have arisen under that statute. I have omitted or shortened much of the first edition which I thought to be either obsolete or superfluous; and by this means I have been able to reconstruct and

modernise this treatise without enlarging it materially. I have only to add, that I have endeavoured to make it a scientific and practical work, as well as a trustworthy and complete digest of cases."

The subject of this treatise is not, indeed, a large one, but it has been got up by Mr. Powell with considerable care, and contains ample notice of the most recent cases and authorities.

### BANKRUPTCY REFORM.—MR. COMMISSIONER FANE.

THE following appears in the morning papers:—

"The court of Mr. Commissioner Fane was much crowded to-day (Tuesday, Aug. 13), in consequence of a statement by the learned commissioner that he would this morning read a letter which he had written to Lord Palmerston upon the subject of Bankruptcy Reform.

"Mr. Commissioner Fane said—'Since I mentioned the subject of this letter, I have had a conversation with a gentleman in whose judgment I place the greatest confidence, and, in deference to his opinion, I postpone the reading of the letter until the re-assembling of the legal world after the holidays. Those gentlemen, therefore, who have come here in anticipation of hearing the letter read will, I am sure, be disappointed, but disappointed only for a short time, because after the vacation I will certainly read the letter. I am sorry, very sorry, to have caused all this disappointment.'

On this proceeding *The Times* comments as follows:—

"A very considerable sensation was created in the Court of Bankruptcy on Monday morning. It is not a place where great interest is often excited, except among those immediately and pecuniarily concerned. Now and then we have great swindles rolled into the court, and unrolled to a curious public. But, in the ordinary course of business, it is a question of small tricks of trade, and illusory dividends, and ill-kept books; and the by-play of compromises and compositions is of much more importance than the actual judicial work. On Monday, however, the usual buzz of conversation was hushed by a sudden speech from the Bench. Mr. Commissioner Fane, having expressed himself strongly upon the dealings of an umbrella maker, suddenly turned upon the Bar practising before him, and claimed their attention. Mr. Commissioner Fane appealed to Mr. Bagley, who, we presume, was the senior barrister present—a very respectable practitioner, whose services are much, and we believe deservedly, in request in that court—and informed him that he had addressed a letter to Lord Palmerston. What Mr. Bagley's sensations were when he was thus made, by the judge before whom he practises, a court of appeal from the Government and the Legislature, we are not told; for the learned gentleman, with a discretion which might have been wisely imitated by the commissioner, held his tongue. Mr. Fane, however, proceeded to inform Mr. Bagley, that, in his letter to Lord Palmerston, he had expressed 'his feelings' as to the manner in which Mr. Fane and his colleagues had been treated by the Government and the Legislature in the framing of the Bankruptcy Act, which has just become a portion of the statute law. This expression of Mr. Fane's feelings he had printed, and he desired to make it as public as possible; and, as the audience was at that moment not very numerous, he invited a general attendance of the Bar and the Press on the morrow, when he proposed to read the letter, and to distribute printed copies of it 'to every gentleman who might wish to have one.'

"There was a very large attendance in the Bankruptcy Court yesterday. Such a consequence might have been very certainly predicted. There was a large assemblage to see 'the female Blondin' risk her life upon a rope over the Thames; a still greater crowd would go forth to see a person of grave and sedate character, and high judicial or ecclesiastical position, grin through a horse-collar or climb a greased pole. Basinghall-street was crowded with persons desirous of seeing Mr. Fane 'express his feelings.' Happily, however, for the decencies of the judicial bench, the exhibition did not come off. Instead of delighting the groundlings by a repetition of the letter in which the bankruptcy judge had demolished the Premier, Mr. Fane, like a manager whose arrangements have been discomposed by the Lord Chamberlain, made his audience an apology. 'Since I mentioned the subject of this letter,' said Mr. Commissioner Fane from the bench, 'I have had a conversation with a gentleman in whose judgment I place the greatest confidence, and in deference to his opinion I postpone the reading of the letter until the re-assembling of the legal world after the holidays. Those gentlemen, therefore, who have come here in anticipation of hearing the letter read will, I am sure, be disappointed, but disappointed only for a short time, because after the vacation I will certainly read the letter. I am sorry, very sorry, to have caused all this disappointment.' The treat, it seems, is deferred, but not abandoned. The select audience which periodically assembles in Basinghall-street may still look forward to the moment when the judge will cast himself upon the sympathies of the fraudulent bankrupts who have been doubting about their certificates, and the equivocal creditors who are as doubtful about being allowed to prove their debts, and the shrewd attorneys who are all on the side of his ill-used Honor, and the sardonic barristers who are bound to a Basinghall-street politeness. When the 'legal world' come back to town Mr. Fane is to appeal to this influential assembly against the wicked Premier and the unjust Legislature.

"Beyond the limits of strict science no universal proposition is true. For once, a man has been saved by his friends. If Mr. Fane had read his wrongs before his bankruptcy, he would have been removed from the Bench with the general applause of all reasonable men. We believe there is something to be said about the services of the commissioners of bankruptcy, and about the promises originally made to them many years ago. We ourselves asked for some consideration of their case when the Bankruptcy Bill was before the House of Commons two sessions ago. It is a matter which might fairly be made the subject of discussion in Parliament, and which would very properly be entertained by the Lord Chancellor advising the Government. But we certainly never contemplated a scene like this—a judge appealing to his own suitors against the injustice of his superiors in office, and against the acts of the Legislature! Surely an act of such gross indecorum was never before heard of in this land! It is so startling an act of indecency upon the Bench, that we hardly know how to treat it. The natural impulse is to laugh, but it is not a thing to laugh at. Even the Bankruptcy Court has its dignity, and ought to have its respect, and we believe the commissioners generally, in the discharge of the business before them, are fully entitled to all the consideration due to a learned and impartial court. We hope that the judicious friend who balked the audience yesterday of their promised merriment will continue to exercise his influence, not only for Mr. Fane's sake, but also for that of his coadjutors, who we are sure can be no partners in this singular adventure. If this rational influence should retain its force, we are sure we shall

hear no more of Mr. Fane's appeal to the Jews and Gentiles of Basinghall-street."

[Without indorsing every part of the above article, we will observe that Mr. Commissioner Fane has now more than two months before him, in which it is to be hoped he will reconsider his determination. What he has already done is had enough; let us hope that we shall be spared the crowning indecorum.—Ed.]

#### PROOF OF PREVIOUS CONVICTIONS OF PRISONERS.—DUTY OF GAOL OFFICIALS.

THE following (says *The Times*) took place on the 26th July at the assizes for Derby:—

"Mr. Justice Willes took his seat in the Crown Court at ten this morning, and, having charged the grand jury, proceeded to try prisoners.

"In the case of Robert Johnson, who, on an indictment for burglary, conducted by Mr. Huish, was convicted, the learned judge, in sentencing the prisoner, observed upon the conduct of the governor of Worcester Gaol, who, having been requested to attend at Derby to prove two previous convictions of the prisoner, had sent the following answer to the application:—

"Sir,—In reply to your letter, I am directed by the governor to inform you that the officers of this prison will not volunteer to attend any assize or sessions, or leave home, unless they are regularly served with a subpoena. They have no interest in identifying prisoners, and in the majority of cases the costs allowed them do not cover their expenses.

"I am, sir, your obedient servant,  
"CHARLES JONES, Clerk.

"W. Bennett, Esq.,  
"Clerk to the Magistrates, Chapel-en-le-Frith, Derbyshire."

"The learned judge said, 'It is usual for the officers of a gaol to furnish to the judge trying a prisoner information of all the offences he has committed, as a guide to the judge in apportioning the punishment, and all gaolers and other officers of the Queen are bound, in the interests of justice, to afford all the assistance in their power for this purpose. If the trial be at a distance they are bound to come, and not to wait for any compulsory process. A gaoler is in the Queen's service, and he ought at once to put all things aside to assist those who have to administer the law, in the proper treatment of offences against the Queen. In this case a most impertinent letter has been written from the gaoler at Worcester, declining to come to prove a former conviction without a subpoena, and adding that the expenses allowed for this are not adequate to repay the outlay. I think it right to make this observation on the very improper conduct of this official at Worcester.'"

Warwick, July 31.—Mr. Justice Willes took his seat on the Crown side at eleven o'clock, and charged the grand jury, and in the course of his address made the following reference to the report in *The Times* of remarks made by his Lordship on the conduct of the gaoler of Worcester:—

"I made some remarks at Derby upon the case of an officer of Worcester Gaol, whose attendance as a witness to the identity of a prisoner twice previously convicted, and confined in that gaol, was refused, unless he was regularly served with a subpoena. The refusal was upon the ground principally that the expenses allowed in criminal cases are insufficient. That objection, to my mind, does not lie in the mouth of an officer of the Crown to make. It is simply obstructive. The service of a subpoena would have

added to the trouble and expense of the prosecution, without doing any good to the witness. Upon serving a subpoena in criminal cases no tender of expenses is legally necessary. The witness, if he be not a pauper, is bound to attend, trusting to what the Court may allow him. It is, however, but reasonable that the lawful expenses should be paid in the first instance, and I should find no fault with an officer refusing to stir without a subpoena unless such expenses were advanced. What I do object to is, that the useless trouble and expense of serving a subpoena should be insisted upon by an officer of the law, because he thinks the Home Office scale of costs illiberal. It is an unbecoming way of raising that question to throw difficulties in the way of justice. At the same time, it is certain that very many other persons besides the gaoler, whose letter called forth my remarks, think the allowance insufficient, and I should exceedingly regret that remarks intended to check a mischievous practice should do any injury to that officer. I fear that my remarks have conveyed an impression more serious to him than I intended, and I take the first opportunity of saying so."

#### NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE — JURISPRUDENCE.

At the meeting of the National Association for the Promotion of Social Science, which is now being held at Dublin, the following papers will be read in the department of Jurisprudence:—

*James Whelan*.—Jurisprudence and the amendment of the law.

*Edmond Webster*.—Adaptation of the law to social change in the matter of liberty of opinion, in connexion with the 13 Eliz. c. 12, and the 13 & 14 Car. 2, c. 4, commonly called the Act of Uniformity.

*J. Napier Higgins*.—The machinery of legislation.

Right Hon. *James Whiteside*, M. P.—Criminal law amendment.

*Arthur Symonds*.—On the appropriate and adequate constitution of judicial tribunals, and the institution of the judiciary over them.

Baron *Holtzendorf*.—On public prosecutions in Prussia.

*Isaac J. Murphy*.—Suggestions for the improvement of the working of the grand jury system in Ireland, and its extension to England.

Right Hon. *James Whiteside*, M. P.—The Landed Estates Court Act.

*Edmond Webster*.—On the establishment in the metropolis primarily, and afterwards in the provinces, of a land registration court for the voluntary registration of titles to freehold land in England and Wales, for the purposes of sale and mortgage.

*David McCubbin*.—Ought the management of bankrupts' estates to be placed in the hands of official assignees appointed by the Government, or assignees or trustees nominated by the creditors?

*David Smith*.—The necessity for a law to compel every trader to make an annual balance, under pain of imprisonment.

*J. C. Smith*.—The Scotch marriage law.

Dr. *Waddilove*.—The law of marriage and divorce as at present existing in England, Ireland, and Scotland.

*W. H. Morris*.—The marriage law of the empire.

**COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery in England:—*John Williams*, of Denbigh; and *Robert Edward Williams*, of Rhyl, Flintshire.

wood, Lancashire, plumber, Sept. 2 at 12, Manchester, aud. ac.—*Samuel Newton*, Stockport, Cheshire, and Mellor, Derbyshire, cotton manufacturer, Aug. 26 at 12, Manchester, aud. ac.—*James Turner*, Bury, Lancashire, cotton manufacturer, Aug. 26 at 12, Manchester, aud. ac.—*Charles Carr*, Stockport, Lancashire, cotton manufacturer, Sept. 2 at 12, Manchester, aud. ac.—*Samuel Greenhalgh*, Bury, Lancashire, confectioner, Aug. 29 at 12, Manchester, aud. ac.; Sept. 4 at 12, div.—*John Bretartagh*, Pendleton, near Manchester, coal dealer, Aug. 30 at 12, Manchester, aud. ac.; Sept. 5 at 1, div.—*R. Burch*, late of Heywood, but now of Bury, Lancashire, bobbin maker, Aug. 26 at 12, Manchester, aud. ac.—*William Foster*, Manchester, cloth-cap manufacturer, Sept. 4 at 12, Manchester, aud. ac.; Sept. 12 at 1, div.—*Richard Hays*, Heywood, Lancashire, provision dealer, Aug. 26 at 12, Manchester, aud. ac.—*Richard Henry Clough*, Manchester, cotton dealer, Sept. 2 at 12, Manchester, aud. ac.—*Robert Ballantyne*, Liverpool, merchant, Sept. 3 at 11, Liverpool, div.—*David Sillar* and *John Charles Sillar*, Liverpool, and Shanghai, China, merchants, Sept. 3 at 11, Liverpool, div.—*Edmond Coultate* and *Thomas Swindells*, Manchester, brokers, Sept. 5 at 12, Manchester, div.—*Antonio Calcovoresi*, Manchester, merchant, Sept. 5 at 12, Manchester, div.—*James McClure* the younger, Manchester, Manchester warehouseman, Sept. 3 at 12, Manchester, div.—*Geo. Kelland* the younger, Lancaster, grocer, Sept. 4 at 12, Manchester, div.

#### CERTIFICATES.

To be allowed, unless cause be shown to the contrary on or before the Day of Meeting.

*John Chapman*, Cambridge, shoemaker, Sept. 5 at 1, London.—*Edward R. Sherren*, Richmond-villas, Westbourne-grove North, Bayswater, Middlesex, builder, Sept. 3 at half-past 2, London.—*Wm. Reynolds Hayne*, Devonshire-terrace, Camden-road, Middlesex, apothecary, Sept. 3 at half-past 12, London.—*Wm. Raxter Wagstaff*, Fenchurch-street, City, wharfinger, Sept. 5 at 12, London.—*George Hall Manley*, Birmingham, grocer, Nov. 8 at 11, Birmingham.—*Nathan K. Lloyd*, Birmingham, grocer, Nov. 7 at 11, Birmingham.

To be granted, unless an Appeal be duly entered.

*Thomas W. Horne*, Pelham-terrace, Brompton, Middlesex, hotel keeper.—*Henry Robert Watts*, Blackman-street, Borough, Surrey, wine merchant.—*Alfred Williams*, Melcombe Regis and Weymouth, Dorsetshire, builder.—*Francis Lock*, Bridgwater, Somersetshire, miller.—*George Elston*, Crediton, Devonshire, shoe manufacturer.—*Robert Waudby Kirhus*, Walton-on-the-Hill, near Liverpool, chemist.—*P. Preston*, Liverpool, shoe manufacturer.—*Samuel W. H. Wade*, Leeds, Yorkshire, wine merchant.—*George Grimmert*, Birmingham, corn dealer.—*Wm. F. Lawrence*, West Bromwich, Staffordshire, draper.—*Joseph V. Needham*, Birmingham, gun manufacturer.—*Joseph Harrison*, Birmingham, scale-board manufacturer.

#### PARTNERSHIPS DISSOLVED.

*Geo. Marsland* and *J. Broughton Edge*, Bolton-le-Moors and Manchester, attornies, solicitors, and conveyancers.—*Henry D. Poole*, *Henry Johnson*, and *Charles H. Kincaid*, New-sq., Lincoln's-inn, Middlesex, attornies and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Walter Longwill*, Nether Meadow, Dalry, farmer.—*John Cockburn & Son*, Eyemouth and Burnmouth, Berwickshire, merchants.—*Jas. Cormie*, Burghhead, Elginshire, fisherman.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—*Edwin Wilkins Field*, of No. 36, Lincoln's-inn-fields, in and for the county of Middlesex, also in and for the city of London, and the city and liberties of Westminster; *Robert Manning Davy*, of Fordingbridge, Hampshire, in and for the county of Hants, also in and for the county of Wilts; *Thomas Colborne*, of Newport, Monmouthshire, in and for the county of Monmouth; *Samuel Searley Long*, of Portsea, Hampshire, in and for the county of Hants; and *Henry Woodforde*, of Clevedon, Somersetshire, in and for the county of Somerset.



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THE JURIST.

LONDON, AUGUST 24, 1861.

THE Bankruptcy Act, 1861, is to take effect from and after the passing thereof, as to the appointment of the officers thereby authorised to be appointed, and as to all other matters and things from and after the 11th October, 1861. In the meantime the law relating to bankruptcy and insolvency, and to arrangements between debtors and their creditors, remains unchanged. From that date the act will materially alter the law with respect to arrangements between debtors and creditors; and persons so related to each other, who are contemplating arrangements out of court, will do well to consider how they would be affected by the act, and whether it is desirable to carry them out under the existing law, or to wait until the new law has come into operation. With a view to assist them in their deliberation, we shall endeavour to state the effect of the new enactments, so far as it is possible, without the aid of the Court, to state the effect of any part of this ill-drawn act.

In lieu of what are known as the six-sevenths clauses of the act of 1849, the new act provides that every deed or instrument between a debtor and his creditors, or any of them, or a trustee on their behalf,

relating to the debts or liabilities of the debtor, and his release therefrom, or the distribution, inspection, management, and winding up of his estate, or any of such matters, shall bind all his creditors, if the following conditions are observed:—

1. Three-fourths in value, and a majority in number, of the creditors for 10*l.* or upwards shall assent in writing.

2. If a trustee is appointed, he shall execute the deed.

3. The execution by the debtor shall be attested by an attorney.

4 and 6. The deed (duly stamped) shall be registered at the office of the chief registrar in bankruptcy within twenty-eight days after execution by the debtor.

5. For the purposes of registration, the deed shall be produced, with an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustees, of the amount in value of the property and credits of the debtor comprised in the deed, and that the assents mentioned in condition 1 have been obtained.

7. Immediately on execution of the deed by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees.

In spite of the warning afforded by the cases of *Telley v. Taylor* (1 El. & Bl. 521) and *Drew v. Collins* (6 Exch. 670), the ambiguous language of the arrangement clauses in the act of 1849 has been adopted, with a slight variation, which aggravates the ambiguity; but it may be assumed that the old authorities will be followed, and that no arrangement will be held to bind non-assenting creditors unless it provides for the distribution of *all* the debtor's property for the rateable benefit of *all* his creditors.

Although the second condition suggests that there may or may not be a trustee, the seventh condition implies that there *must* be a trustee. Assuming that there must be a trustee, we have to inquire of what he is to be trustee. In deeds of inspectorship the debtor usually enters into certain covenants with the inspectors, so framed that the inspectors alone can sue upon them; and of the rights of action so given to the inspectors they may be considered to be trustees for the creditors. But this can hardly be the meaning of the act, because the fifth and seventh conditions plainly contemplate that the deed shall comprise property, and assign it to trustees.

For registration the deed is to be delivered to the registrar, with an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustee or trustees, of the assent of the requisite proportion of creditors. A certificate is a mere statement, involving no legal responsibility; and this provision, which, if it has any object, is intended to exclude from registration all deeds except those which are actually binding on all the creditors, will be wholly ineffectual. The certificate of the value of the property will be equally worthless.

The deed must be registered within twenty-eight days after execution by the debtor. It may require, especially in cases where there are creditors abroad, a much longer time than twenty-eight days to procure the concurrence of the requisite number of creditors; and therefore, as well as for the purpose of avoiding an act of bankruptcy, the execution of the deed by the debtor must follow the execution by the creditors.

Lastly, possession of all the property must be given to the trustees *immediately* on the execution by the debtor. We can only wait with patience for the completion of the long series of decisions which will be necessary to put an interpretation on the words "*immediately*" and "*possession.*" They will probably be equal in number to the cases in which trustees will be found to take office under such deeds. It is not to be expected that creditors will often be induced to accept the responsibility of an assignment of the debtor's property, coupled with the obligation of actually taking possession of it. The effect of the enactments is to abolish the practice which of late has found great favour with creditors, of allowing debtors to wind up under the inspection of their principal creditors.

On the registration of the deed the registrar is required to advertise the names of the parties (except the creditors), with a statement of the effect of the deed, in the *Gazette*. (Sect. 193).

After registration, all persons, parties to or bound by the deed, are, "in all matters relating to the estate and effects of the debtor," made subject to the jurisdiction of the Court of Bankruptcy, and the trustees are clothed with all the rights of assignees in bankruptcy.

If the debtor cannot ascertain by whom bills, notes, or negotiable securities are held, it shall be sufficient if he obtains the consent of three-fourths of his other creditors, provided he insert an advertisement in a newspaper published in the place where he carried on business, requiring his creditors to come in within fourteen days, and the circumstances are certified by the trustees, and the same is allowed by the court, and the deed is in the form set forth in a schedule to the act.

The effect of these provisions will probably be to destroy the practice of effecting arrangements by deed for any other purpose than that of securing the choice of assignees.

There are mixed up with the clauses noticed above some provisions of a very extraordinary character, to which we must draw the attention of our readers, without professing to understand or attempting to explain them.

By sect. 194 it is enacted, that "every deed, instrument, or agreement whatever, by which a debtor, not being a bankrupt, conveys, or covenants or agrees to convey, his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding up of his affairs or estate, or the release or discharge of such debtor from his debts or liabilities," shall, within twenty-eight days after execution by the debtor, be registered in bankruptcy, and in default thereof shall not be received in evidence. Then come clauses imposing a stamp duty of 5s. in the 100l. on all deeds brought to be registered; subjecting the debtor and creditors to the jurisdiction of the Court of Bankruptcy; giving protection to the debtor from process; and suspending proceedings under petition for adjudication during the time allowed for adjudication; which seem to be equally applicable to deeds within the 194th section and to those which are assented to by three-fourths of the creditors. Whether the 194th section extends to a deed which effects an arrangement between a debtor and a few of his creditors, as well as to a deed assented to by all the creditors, and whether in any case a debtor, merely by registering a deed of arrangement to which none of his creditors assent, can prevent a creditor from suing him without the leave of the Court of Bankruptcy, are questions which we must leave for the consideration of our readers. One thing is plain, that this act has thrown the law of debtor and creditor into the greatest confusion, without effecting or attempting any amendment which would be worth the inconvenience necessarily attendant upon the change, even if it were effected with the greatest care and skill.

#### THE EXTRADITION CASE.—CANADIAN LEGISLATION.

WHEN the extradition case was under discussion in the early part of the present year, we laid before our readers the extract from the Canadian statute on which the question turned (ante p. 33). Since the decision in that case the Canadian law has been altered as follows:—

STATUTES OF LAST SESSION OF PARLIAMENT.

CHAPTER VI.

*An Act to amend Chapter 89 of the Consolidated Statutes of Canada, respecting the Extradition of Fugitive Felons from the United States of America.*

[Assented to 18th May, 1861.]

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The 1st, 2nd, and 3rd sections of the 89th chapter of the Consolidated Statutes of Canada, intituled "An Act respecting the Treaty between Her Majesty and the United States of America for the Apprehension and Surrender of certain Offenders," are hereby repealed.

2. The following section or paragraph shall be substituted for the 1st section, hereby repealed, and shall, in lieu thereof, be read as the 1st section of the said act:—

"Upon complaint made under oath, or affirmation (in cases where affirmations can be legally taken instead of oaths), charging any person, found within the limits of this province, with having committed, within the jurisdiction of the United States of America, any of the crimes enumerated or provided for by the said treaty, it shall be lawful for any judge of any of her Majesty's superior courts in this province, or any judge of a county court in Upper Canada, or any recorder of a city in this province, or any police magistrate or stipendiary magistrate in this province, or any inspector or superintendent of police empowered to act as a justice of the peace in Lower Canada, to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or other officer; and upon the said person being brought before him, under the said warrant, it shall be lawful for such judge or other officer to examine upon oath any person or persons touching the truth of such charge; and upon such evidence as according to the laws of this province would justify the apprehension and commitment for trial of the person so accused, if the crime of which he shall be so accused had been committed herein, it shall be lawful for such judge or other officer to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until surrendered according to the stipulation of the said treaty, or until discharged according to law; and the said judge or other officer shall thereupon forthwith transmit or deliver to the governor a copy of all the testimony taken before him, that a warrant may issue upon the requisition of the United States for the surrender of such person, pursuant to the said treaty."

3. The following section or paragraph shall be substituted for the 2nd section, hereby repealed, and shall, in lieu thereof, be read as the 2nd section of the said act:—

"In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which the original warrant may have been granted in the United States, certified under the hand of the person or persons issuing such warrant, and attested, upon the oath of the party producing them, to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended."

4. The following section or paragraph shall be substituted for the 3rd section, hereby repealed, and shall, in lieu thereof, be read as the 3rd section of the said act:—

"It shall be lawful for the governor, upon a requisition, made as aforesaid, by the United States, by warrant under his hand and seal, to order the person so committed to be delivered to the person or persons

authorized to receive such person in the name and on behalf of the said United States, to be tried for the crime of which such person stands accused, and such person shall be delivered up accordingly; and the person or persons, authorized as aforesaid, may hold such person in custody, and take him to the territories of the said United States, pursuant to the said treaty; and if the person so accused escapes out of any custody to which he stands committed, or to which he has been delivered as aforesaid, such person may be retaken, in the same manner as any person accused of any crime against the laws of this province may be retaken upon an escape."

UNITED STATES LAW REPORTS.

THE following important case, arising out of the civil war in the United States of America, is taken, necessarily in an abbreviated form, from the *Upper Canada Law Journal* for July, 1861:—

In re JOHN MERRYMAN.—June 1.

*United States—Habeas corpus—Right thereto—Power of executive to suspend.*

*Held, first, that the President of the United States of America cannot suspend the privilege of the writ of habeas corpus, nor authorise a military officer to do it. Secondly, that a military officer has no right to arrest and detain a person, not subject to the rules and articles of war, for an offence against the laws of the United States, except in aid of the judicial authority, and subject to its control.*

On the 26th May, 1861, the following sworn petition was presented to the Chief Justice of the United States on behalf of John Merryman, he being at the time in confinement in Fort M'Henry:—

"To the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States.

"The petition of John Merryman, of Baltimore county, and state of Maryland, respectfully shews, that, being at home in his own domicile, he was, about the hour of two o'clock A. M. on the 25th May, 1861, aroused from his bed by an armed force, pretending to act under military orders from some person to your petitioner unknown. That he was by the said armed force deprived of his liberty, by being taken into custody, and removed from his said home to Fort M'Henry, near to the city of Baltimore, and in the district aforesaid, and where your petitioner now is in close custody.

"That he has been so imprisoned without any process or colour of law whatsoever, and that none such is pretended by those who are thus detaining him; and that no warrant from any court, magistrate, or other person having legal authority to issue the same, exists to justify such arrest; but, to the contrary, the same, as above stated, hath been done without colour of law, and in violation of the constitution and laws of the United States, of which he is a citizen. That since his arrest he has been informed that some order, purporting to come from one General Keim, of Pennsylvania, to this petitioner unknown, directing the arrest of the captain of some company in Baltimore county, of which company the petitioner never was and is not captain, was the pretended ground of his arrest, and is the sole ground, as he believes, on which he is now detained.

"That the person now so detaining him at the said fort is Brigadier-General George Cadwalader, the military commander of the said post, professing to act in the premises under or by colour of the authority of

the United States. Your petitioner, therefore, prays that the writ of habeas corpus may issue, to be directed to the said George Cadwalader, commanding him to produce your petitioner before you, judge as aforesaid, with the cause, if any, for his arrest and detention, to the end that your petitioner be discharged and restored to liberty; and as in duty, &c.,

"JOHN MERRYMAN.

"Fort M'Henry, May 25, 1861."

"United States of America, District of Maryland, to wit.

"Before the subscriber, a commissioner appointed by the Circuit Court of the United States, in and for the fourth circuit and district of Maryland, to take affidavits, &c., personally appeared, the 25th day of May, A.D. 1861, George H. Williams, of the city of Baltimore, and district aforesaid, and made oath on the Holy Evangely of Almighty God that the matters and facts stated in the foregoing petition are true, to the best of his knowledge, information, and belief, and that the said petition was signed in his presence by the petitioner, and would have been sworn to by him, the said petitioner, but that he was at the time, and still is, in close custody, and all access to him denied, except to his counsel and his brother-in-law, this deponent being one of the said counsel.

"Sworn to before me this 25th day of May, A.D. 1861.

"JOHN HANAN, U. S. Commissioner."

"United States of America, District of Maryland, to wit.

"Before the subscriber, a commissioner appointed by the Circuit Court of the United States, in and for the fourth circuit and district of Maryland, to take affidavits, &c., personally appeared, this 26th day of May, 1861, George H. Williams, of the city of Baltimore, and district aforesaid, and made oath on the Holy Evangely of Almighty God that on the 26th day of May he went to Fort M'Henry, in the preceding affidavit mentioned, and obtained an interview with General George Cadwalader, then and there in command; and the deponent, one of the counsel of the said John Merryman in the foregoing petition named, and at his request, and declaring himself to be such counsel, requested and demanded that he might be permitted to see the written papers, and to be permitted to make copies thereof, under and by which he, the said General, detained the said Merryman in custody; and that to the said demand the said General Cadwalader replied that he would neither permit the deponent, though officially requesting and demanding as such counsel, to read the said papers, nor to have or make copies thereof.

"Sworn to this 26th day of May, A.D. 1861, before me,

"JOHN HANAN,

"United States Commissioner for Maryland."

Upon this petition the Chief Justice passed the following order:—

"In the matter of the petition of John Merryman for a writ of habeas corpus.

"Ordered, this 26th day of May, A. D. 1861, that the writ of habeas corpus issue in this case as prayed, and that the same be directed to General George Cadwalader, and be issued in the usual form by Thomas Spicer, clerk of the Circuit Court of the United States, in and for the district of Maryland; and that the said writ of habeas corpus be returnable at eleven o'clock on Monday, the 27th May, 1861, at the Circuit Court room, in the Masonic Hall, in the city of Baltimore, before me, Chief Justice of the Supreme Court of the United States.

"R. B. TANEY."

In obedience to this order Mr. Spicer issued the following writ:—

"District of Maryland to wit, United States of America. To General George Cadwalader, greeting.

"You are hereby commanded to be and appear before the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, at the United States court-room, in the Masonic Hall, in the city of Baltimore, on Monday, the 27th day of May, 1861, at eleven o'clock in the morning, and that you have with you the body of John Merryman, of Baltimore county, and now in your custody; and that you certify and make known the day and cause of the caption and detention of the said John Merryman, and that you then and there do submit it to, and receive whatsoever the said Chief Justice shall determine upon concerning you on this behalf, according to law; and have you then and there this writ.

"Witness, the Hon. R. B. Taney, Chief Justice of our Supreme Court, &c.

"THOMAS SPICER, Clerk.

"Issued 26th May, 1861."

The marshal made his return that he had served the writ on General Cadwalader on the same day on which it issued, and filed that return on the 27th May, 1861, on which day, at eleven o'clock precisely, the Chief Justice took his seat on the bench. In a few minutes Colonel Lee, a military officer, appeared with General Cadwalader's return to the writ, which is as follows:—

"Head-quarters, Department of Annapolis.

"To the Hon. Roger P. Taney, Chief Justice of the Supreme Court of the United States, Baltimore, Maryland.

"Sir,—The undersigned, to whom the annexed writ of this date, signed by Thomas Spicer, clerk of the Supreme Court of the United States, is directed, most respectfully states that the arrest of Mr. John Merryman, in the said writ named, was not made with his knowledge or by his order or direction, but was made by Colonel Samuel Yohe, acting under the orders of Major-General William H. Keim, both of the said officers being in the military service of the United States, but not within the limits of his command.

"The prisoner was brought to this post on the 20th instant by Adjutant James Whittimore and Lieutenant William H. Abel, by order of Colonel Yohe, and is charged with various acts of treason, and with being publicly associated with and holding a commission as lieutenant in a company having in their possession arms belonging to the United States, and avowing his purpose of armed hostility against the government. He is also informed that it can be clearly established that the prisoner has made often and unreserved declarations of his association with this organised force as being in avowed hostility to the government, and in readiness to co-operate with those engaged in the present rebellion against the government of the United States. He has further to inform you that he is duly authorised by the President of the United States in such cases to suspend the writ of habeas corpus, for the public safety.

"This is a high and delicate trust, and it has been enjoined upon him that it should be executed with judgment and discretion; but he is nevertheless also instructed that in times of civil strife, errors, if any, should be on the side of the safety of the country. He most respectfully submits for your consideration that those who should co-operate in the present trying and painful position in which our country is placed should not, by any unnecessary want of confidence in each other, increase our embarrassments.

"He therefore respectfully requests that you will

postpone further action upon this case until he can receive instructions from the President of the United States, when you shall hear further from him.

"I have the honour to be, with high respect, your obedient servant."

"GEORGE CADWALADER,

"Brevet Major-General U. S. A. Commanding."

(To be continued).

#### SCOTCH SEQUESTRATIONS.

*John Brait*, Gatehouse, Gerton, Kirkcudbright, draper.  
—*William Porteous*, Clydeford, near Rutherglen, and Glasgow, manufacturing chemist.

TUESDAY, Aug. 20.

#### BANKRUPTS.

**JAMES RANDALL**, Byfleet, near Cobham, Surrey, victualler, Sept. 4 at half-past 12, and Sept. 25 at 1, London: Off. Ass. Graham; Sol. Murrrough, 18, Warwick-court, Gray's-inn, Holborn.—Pet. f. Aug. 14.

**WILLIAM HENRY BATCHELAR**, Leatherhead, Surrey, builder, Aug. 31 at half-past 12, and Sept. 18 at half-past 2, London: Off. Ass. Stansfeld; Sol. Young, 6, Serjeants'-inn, Fleet-street, London.—Pet. f. Aug. 17.

**JOHN AXEL TALEEN**, Whitley-villas, Caledonian-road, Islington, Middlesex (lately carrying on business in Fenchurch-street, City, with Thomas Penlington, ship and insurance brokers, under the style or firm of Taleen & Co.; also at Blackhorse-bridge, Deptford, Kent, with Thomas Penlington, as ice merchants, under the style of the Norwegian Ice Company), Aug. 31 at 12, and Sept. 18 at half-past 12, London: Off. Ass. Graham; Sol. Mercer, 9, Mincing-lane, London.—Pet. f. Aug. 16.

**CHARLES WEBB**, Drury-lane, and Christ-street, Poplar, Middlesex, general salesman, Sept. 4 at 1, and Sept. 25 at half-past 1, London: Off. Ass. Graham; Sol. Stopher, 36, Coleman-street, London.—Pet. f. Aug. 17.

**HENRY WAKEHAM STEAR**, Bread-street, City, lace warehouseman (carrying on business under the style or firm of Henry Wakeham Stear & Co.), Aug. 29 and Sept. 24 at 11, London: Off. Ass. Bell; Sols. Moseley & Co., 9, Old Jewry-chambers, City.—Pet. f. Aug. 19.

**JOHN CHAPMAN and GEORGE GRANGER**, Britannia Ironworks, Oldbury, Worcestershire, ironmasters, Sept. 13 and Oct. 4 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. d. Aug. 8.

**WILLIAM FAWKNER**, Kidderminster, Worcestershire, victualler, Sept. 9 and 30 at 11, Birmingham: Off. Ass. Whitmore; Sols. Saunders & Son, Kidderminster; James & Knight, Birmingham.—Pet. d. Aug. 19.

**WILLIAM HARRISON**, Barnsley, Yorkshire, tailor, Sept. 2 and 27 at 11, Leeds: Off. Ass. Hope; Sols. Hamer, Barnsley; Bond & Barwick, Leeds.—Pet. d. Aug. 16.

**JOHN WILLIAM GARRETT**, Liverpool, corn merchant, Sept. 4 and 24 at 11, Liverpool: Off. Ass. Bird; Sol. Brabner, Liverpool.—Pet. f. Aug. 16.

#### MEETINGS.

*John William Watson*, Shrewsbury, Shropshire, scrivener, Sept. 13 at 11, Birmingham, ch. ass.—*Joseph Smith*, Creed-place, Maze-hill, Greenwich, Kent, ironmonger, Aug. 31 at half-past 12, London, last ex.—*George James Paris* and *William Henry Thomas Paris*, Liverpool, provision merchants, Aug. 30 at 12, Liverpool, last ex.—*Isaac Shaw*, Macclesfield, Cheshire, joiner, Sept. 4 at 11, Manchester, and. ac.—*George James Heald*, Manchester, money scrivener, Sept. 2 at 11, Manchester, and. ac.—*John Wade*, Blackburn, Lancashire, ironmonger, Sept. 4 at 11, Manchester, and. ac.—*Ann Sayle*, Liverpool, dealer in boots and shoes, Aug. 30 at 11, Liverpool, and. ac.—*William Mannion*, Liverpool, carrier, Aug. 30 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*William W. Jones*, Portmadoc, Carnarvonshire, ship builder, Aug. 30 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*William M. Townson*, Liverpool, licensed victualler, Aug. 30 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*Richard Griffith*, Penychan, Abererch, Carnarvonshire, draper, Aug. 30 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*Gerard Gandy*, Leeswood, near Mold, Flintshire, ironmaster, Sept. 3 at 11, Liverpool, and. ac.

Sept. 24 at 11, div.—*William Farrell*, Kensington, West Derby, Lancashire, cattle salesman, Sept. 3 at 11, Liverpool, and. ac.—*John Brearly Wood* and *Walter Tarrant*, Liverpool, cotton brokers, Sept. 3 at 11, Liverpool, and. ac.—*John Messop*, Liverpool, provision dealer, Sept. 3 at 11, Liverpool, and. ac.—*John Webster*, Wavertree, near Liverpool, joiner, Sept. 3 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*John Deherty*, Liverpool, corn merchant, Sept. 3 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*M. Stepanoff*, Liverpool, merchant, Sept. 3 at 11, Liverpool, and. ac.; Sept. 24 at 11, div.—*Joseph Hardwicke* and *Henry Jones*, Gracechurch-street-chambers, City, merchants, Sept. 11 at half-past 2, London, div.—*James Wates*, Gravesend, Kent, hotel keeper, Sept. 12 at 2, London, fin. div.—*Wm. P. Andrews*, Crutched-friars, City, wine merchant, Sept. 12 at half-past 12, London, div.—*John R. Pidding*, George-yard, Lombard-street, City, and Finchley, Middlesex, merchant, Sept. 10 at half-past 2, London, div.—*William East*, Sudbury, Suffolk, carrier, Sept. 12 at half-past 12, London, div.—*C. Harratt*, Royal Exchange-buildings, City, and West Ham, Essex, iron merchant, Sept. 10 at 12, London, div.—*John Chapman*, Cambridge, shoemaker, Sept. 10 at 1, London, div.—*Fred. Ellyott*, Portsea, Hampshire, batter, Sept. 10 at 12, London, div.—*Alfred Jauncey*, Forest-hill, Kent, plumber, Sept. 12 at 12, London, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Thomas W. Pybus*, Laurence Pountney-lane, City, timber merchant, Sept. 12 at half-past 1, London.—*Alex. Wickens* and *Samuel Palmer*, Mark-lane, City, and Deptford, Kent, manufacturers of ivory black, Sept. 10 at 12, London.—*John Argent*, Fleet-street, City, innkeeper, Sept. 10 at 1, London.—*James Lamere*, Victoria-row, Old Ford North, Bow, Middlesex, oil and colour man, Sept. 10 at half-past 1, London.—*James Preston*, Kingsland-gate Bazaar, Kingsland-road, Middlesex, tobacconist, Sept. 10 at 12, London.—*Samuel Kinsman*, Poole, printer, Sept. 10 at half-past 2, London.—*Joseph T. Ballard*, Leicester, draper, Sept. 10 at 1, London.—*Henry Freeman*, Leadenhall-street, City, merchant, Sept. 10 at 2, London.—*John Turner* the younger, Little Ormond-street, Middlesex, licensed victualler, Sept. 11 at 2, London.—*Thomas Wilson*, Claverley, Shropshire, saddler, Nov. 8 at 11, Birmingham.—*James Wood* the elder, Birmingham, builder, Nov. 8 at 11, Birmingham.—*Wm. B. Shreeve* and *Charles Shreeve*, Burton-upon-Trent, Staffordshire, builders, Oct. 2 at 11, Birmingham.—*Wm. Howls*, Little Stretton, Shropshire, licensed victualler, Nov. 8 at 11, Birmingham.—*Joseph C. Harris*, Liverpool, licensed victualler, Sept. 13 at 11, Liverpool.—*Joseph Worsley*, Witton, Cheshire, draper, Sept. 16 at 12, Liverpool.—*John Wilson*, Liverpool, shoemaker, Sept. 16 at 12, Liverpool.

To be granted, unless an Appeal be duly entered.

*Benjamin Bateman*, Norwich, tea dealer.—*Robert Clarke Ward*, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, linendraper.—*John H. Theobald*, Colchester, Essex, coal merchant.—*Henry Norris* and *Wm. Norris* the younger, Mare-street, Hackney, Middlesex, builders.—*John James C. Young*, Stonebridge-common, Kingsland, Middlesex, licensed victualler.—*Benjamin C. Rawles*, Apollo-buildings, East-street, Walworth, Surrey, shoe manufacturer.—*John Tents*, Birmingham, victualler.

#### SCOTCH SEQUESTRATIONS.

*Robert B. Penman*, Dundee, general merchant.—*Andrew Crobbie*, Dumfries, draper.—*James Shaw*, Calderbank, Lanarkshire, grocer.—*Wm. Kelly*, Edinburgh, tavern keeper.

The Queen has been pleased to confer the honour of knighthood upon Roundell Palmer, Esq., her Majesty's Solicitor-General.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Charles Whitall Davies Watson, Gent., of Stourport, Worcestershire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women in and for the county of Worcester.



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JOSEPH WHITTARD, Bristol, draper, Sept. 9 and Oct. 8 at 11, Bristol: Off. Ass. Miller; Sol. Salmon, Bristol.—Pet. f. Aug. 20.

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THE JURIST.

LONDON, AUGUST 31, 1861.

THE learned gentlemen who have prepared the last edition of Mr. Jarman's Treatise on Wills with so much industry and ability might confer another great benefit on the Profession if they would devote their attention to the arrangement and exposition of the decisions relating to the interpretation of written documents generally. It is remarkable, that though the reported cases on questions of interpretation contain as much accurate science as can be found in an equal number of precedents in any other division of English law, no attempt has been made to collect and exhibit in a systematic form the principles involved in them. Some detached portions of the rules of construction have indeed been treated with great success, as in the work we have named, but the exposition of the entire subject must still be noted as deficient. The consequence has been, that though the opinions of practising lawyers and decisions of courts in England on the particular cases that have come before them, involving questions of interpretation, have been, in substance at least, as scientific and consistent as their opinions and decisions on other cases (that is to say, far more scientific and consistent than the opinions and decisions of lawyers and judges in any other country), there has not been the same uniformity and consent among juriconsults when speaking of the rules of interpretation in the abstract, without reference to particular cases. The science of interpretation exists among the precedents of the English in a very advanced and refined state—just as any physical science may be said to have always existed among the appropriate phenomena of nature; but it has not yet been constructed as a distinct branch of human knowledge, and its general principles are

still unrecognized. For example, able and learned lawyers are occasionally heard to insist that the aim and duty of the Court in interpreting a written document are limited to the discovery of the intention of the maker or makers of it, and cannot and ought not to be extended to the interpolation of terms or conditions which were not contemplated and intended to be expressed in it. Yet every lawyer who considers, for example, what is daily done in carrying wills into effect, will acknowledge that half the business of interpretation of written instruments consists in adding to them terms which were entirely overlooked by those who prepared them.

These reflections have been forced upon us by the perusal of a very able paper "On the Principles of Legal Interpretation with reference especially to Wills," by Mr. F. Vaughan Hawkins, which was read some time ago before the Juridical Society, and has been printed in the last number of the published papers of that body (vol. 2, p. 298), in which though the writer has properly undertaken to treat the subject as a whole, he has fallen into some errors in consequence, as it seems to us, of endeavouring to deduce his conclusions from first principles, instead of rising from particulars to general rules. If, in place of assuming, that while, in the interpretation of written language generally, the object "is a single one—to ascertain the meaning or intention of the writer—to discover what were the ideas existing in his mind which he desired and endeavoured to convey to us," we have in the interpretation of a legal document, "not, indeed, a different, but an additional, object of inquiry, and desire not solely to obtain information as to the intention or meaning of the writer or writers, but also to see that the intention or meaning has been expressed in such a way as to give it legal effect and validity," he had first studied the reported decisions, he would have found that much more is involved in

the interpretation of legal documents than the inquiry as to the intended meaning, and the sufficiency in point of law of the written expression of it; and he might at the same time have recognised at once the limited scope and the correctness of a proposition in Sir J. Wigram's treatise on Extrinsic Evidence, which he has taken great pains to impugn. "The question in expounding a will," says Sir J. Wigram, "is not what the testator meant, but simply what is the meaning of his words." Mr. Hawkins asserts that this maxim contains a fallacy of no small importance, and proceeds to explain that language is in its nature an imperfect medium of expression, and that as, in the first intercourse by means of signs between persons who have not already a common language, there must be alternately a guessing of the intention from the sign, and an interpretation of each new sign from the presumed intention; so, even when the most refined language is used in the most accurate manner, the necessary incompleteness of its expression must be supplied by reference to the intention. This explanation is just, but it was hardly needed, after the comment which Sir J. Wigram has himself supplied on the maxim in question. His third proposition, for instance, is to the effect, that when the words of a will, taken in their ordinary sense, are insensible with reference to extrinsic circumstances, the Court may look into the extrinsic circumstances to see whether they are capable of any more unusual meaning with reference to those circumstances. The distinction, in short, intended, and to our apprehension sufficiently expressed, by Sir J. Wigram's maxim, is between an intention of which the testator has given a written sign capable of being comprehended under the circumstances of the case, and an intention which is surmised, but not from the written signs used by the testator. This distinction reconciles the rule admitting evidence of intention in cases of latent ambiguity, with the rule which denies effect to any intention not expressed in the written instrument; for the latter rule is merely a requisition that for everything that is to be recognised as the testator's will he shall have provided a written sign. If the sign is on the face of it ambiguous, it is in effect a sign of an alternative which is left undecided, and so there is no expression of choice or will; but if the sign is in expression definitive, and is only found to be ambiguous when it has to be applied to the facts, then it is reasonable to assume that the testator did not perceive the ambiguity, but had one object only in his contemplation, and in aid of the search for that object his declarations of intention are properly received.

When, therefore, Mr. Hawkins says that the process of interpretation "is the *correcting* or supplementing of the language of the writing, which by itself yields no clear meaning by the aid of other marks or signs of intent—in short, a bringing of the expression into harmony with the probable intention," or interpretation by inference—he confounds the interpretation of the language of the instrument with another very different and hitherto but obscurely recognised process, which may be called the interpretation of the instrument itself. The first process in construing an in-

strument is to find what has been actually said—and in the search after the meaning of the words all the processes described in Sir J. Wigram's treatise may be applied—and even the ultimate reference to the intention, in cases of latent ambiguity, is but part of this process of literal interpretation; since it is not to the *probable* intention that the Courts refer, but to the intention *actually declared* orally, for the purpose of ascertaining the meaning of certain written signs.

It is important to place this part of the process on its true basis; for from the contrary assumption, that the meaning of the words is to be *inferred* from the presumed intention, Mr. Hawkins ingeniously, but most erroneously, deduces the non-existence, as a general rule, of any authority in the Courts to make an intention where the author of the instrument had none—an authority which unquestionably exists, and has been the origin of by far the greater part of the decisions classed as decisions on interpretation. Mr. Hawkins says, "I cannot see on what theory of interpretation the interpreter, as such, can have anything to do with that which he is not led to infer from the materials before him to have been the intention of the writer. No doubt the same judicial or other authority which interprets the writing may also exercise an ulterior and independent power of disposition or enactment over the same subject-matter; as in the case, for example, of what is called *cy-près*, or of the application of laws by a judge authorised to apply the spirit of the law to cases confessedly not within the contemplation of the framer of it; but, so far as the process alone of interpretation is concerned, there must, it seems to me, be a basis of inferred intention, to afford ground for any interference with, or modification of, the meaning of the words. It is to be observed that there may be cases where intention can and must be inferred, although, in fact, there may have been none. The interpreter cannot certainly know whether the intent existed; it is the indicia of intent, the marks or signs which afford reasonable presumption of its existence, which he can alone regard; and these he is bound to regard, although, in spite of such indications, there may have been no actual intention. The question, in short, is not what the writer meant, but what he has authorised the interpreter to say it is probable was his meaning." Well, this is coming almost to agreement with Wigram's fundamental maxim. But as applied to the process of interpretation, in the most extended sense of the expression, a sense not contemplated in Wigram's treatise, it is absolutely false. The business of the interpreter is first to ascertain what the writer has actually expressed, and then to apply such further terms which he has not expressed, and probably did not intend or contemplate, as are necessary to be supplied in order to carry the expressed intention into effect. For instance, a testator directs his executors to pay 100*l.* to each of the children of his brother Henry who shall attain the age of twenty-one years, and to divide 1000*l.* among such of the children of his brother James as shall attain the age of twenty-one years. There are children of each brother living at the testator's death, and after his death children are born to each. Pro-



ably the testator never considered whether there might be after-born children or not, and probably the conception of his gifts never took such a form in his mind as to involve definitely either the exclusion or the inclusion of such children. But the will cannot be acted upon at all without a decision as to the after-born children. They must be either admitted or excluded; and in the absolute absence of intention, expressed or surmised, the Court comes to a decision which is the foundation of two rules of interpretation—it excludes the after-born children of Henry (*Ringrose v. Bramham*, 2 Cox, 384), and admits such of the after-born children of James as come into existence before the eldest attains his majority (*Broughton v. James*, 1 H. L. C. 406). This division of the subject—the extent and limits of the Court's authority to supply omitted provisions—though largely illustrated in point of fact by the reports and the text-writers, has yet scarcely been recognized as a distinct subject for scientific inquiry.

## UNITED STATES LAW REPORTS.

(Continued from p. 327).

The Chief Justice then inquired of the officer whether he had brought with him the body of John Merryman; and on being answered that he had no instructions but to deliver the return, the Chief Justice then said—

"General Cadwalader was commanded to produce the body of Mr. Merryman before me this morning, that the case might be heard, and the petitioner be either remanded to custody, or set at liberty, if held on insufficient grounds; but he has acted in disobedience to the writ, and I therefore direct that an attachment be at once issued against him, returnable before me here at twelve o'clock to-morrow."

The order was then passed as follows:—

"Ordered, that an attachment forthwith issue against General George Cadwalader for a contempt in refusing to produce the body of John Merryman, according to the command of the writ of habeas corpus, returnable and returned before me to-day; and that the said attachment be returned before me at twelve o'clock to-morrow, at the room of the Circuit Court.

"R. B. TANNEY.

"Monday, May 27, 1861."

The clerk then issued the writ of attachment as directed.

At twelve o'clock on the 28th May, 1861, the Chief Justice again took his seat on the bench, and called for the marshal's return to the writ of attachment. It was as follows:—

"I hereby certify to the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, that, by virtue of the within writ of attachment to me directed on the 27th day of May, 1861, I proceeded, on this 28th day of May, 1861, to Fort M'Henry for the purpose of serving the said writ. I sent in my name at the outer gate; the messenger returned with the reply, "that there was no answer to my card," and therefore could not serve the writ as I was commanded. I was not permitted to enter the gate. So answers

"WASHINGTON BONIFANT,

"United States Marshal for the District of Maryland."

After it was read, the Chief Justice said that the marshal had the power to summon the posse comitatus to aid him in seizing and bringing before the court the party named in the attachment, who would, when so brought in, be liable to punishment by fine and imprisonment. But where, as in this case, the power refusing obedience was so notoriously superior to any the marshal could command, he held that officer excused from doing anything more than he had done. The Chief Justice then proceeded as follows:—

"I ordered this attachment yesterday, because, upon the face of the return, the detention of the prisoner was unlawful, upon the grounds—

"First, that the President, under the constitution of the United States, cannot suspend the privilege of the writ of habeas corpus, nor authorise a military officer to do it.

"Secondly, a military officer has no right to arrest and detain a person, not subject to the rules and articles of war, for an offence against the laws of the United States, except in aid of the judicial authority, and subject to its control; and if the party is arrested by the military, it is the duty of the officer to deliver him over immediately to the civil authority, to be dealt with according to law.

"It is, therefore, very clear that John Merryman, the petitioner, is entitled to be set at liberty, and discharged immediately from imprisonment.

"I forbore yesterday to state orally the provisions of the constitution of the United States which make those principles the fundamental law of the Union, because an oral statement might be misunderstood in some portions of it, and I shall therefore put my opinion in writing, and file it in the office of the clerk of the Circuit Court in the course of this week."

He concluded by saying that he should cause his opinion, when filed, and all the proceedings, to be laid before the President, in order that he might perform his constitutional duty to enforce the laws, by securing obedience to the process of the United States.

The following is a copy of the opinion subsequently filed by the Chief Justice:—

TANEY, C. J.—The application in this case for a writ of habeas corpus is made to me under the 14th section of the Judiciary Act of 1789, which renders effectual for the citizen the constitutional privilege of the writ of habeas corpus. That act gives to the courts of the United States, as well as to each justice of the Supreme Court, and to every district judge, power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment. The petition was presented to me at Washington, under the impression that I would order the prisoner to be brought before me there; but as he was confined in Fort M'Henry, at the city of Baltimore, which is in my circuit, I resolved to hear it in the latter city, as obedience to the writ, under such circumstances, would not withdraw General Cadwalader, who had him in charge, from the limits of his military command.

The petition presents the following case:—The petitioner resides in Maryland, in Baltimore county. While peaceably in his own house, with his family, it was, at two o'clock on the morning of the 25th May, 1861, entered by an armed force, professing to act under military orders. He was then compelled to rise from his bed, taken into custody, and conveyed to Fort M'Henry, where he is imprisoned by the commanding officer, without warrant from any lawful authority.

The commander of the fort, General George Cadwalader, by whom he is detained in confinement, in his return to the writ, does not deny any of the facts alleged in the petition. He states that the prisoner was arrested by order of General Keim, of Pennsylv-

vania, and conducted as aforesaid to Fort M'Henry by his order, and placed in his (General Cadwalader's) custody, to be there detained by him as a prisoner.

A copy of the warrant or order under which the prisoner was arrested was demanded by his counsel, and refused; and it is not alleged in the return that any specific act, constituting any offence against the laws of the United States, has been charged against him upon oath, but he appears to have been arrested upon general charges of treason and rebellion, without proof, and without giving the names of the witnesses, or specifying the acts which, in the judgment of the military officer, constituted these crimes. And having the prisoner thus in custody upon these vague and unsupported accusations, he refuses to obey the writ of habeas corpus, upon the ground that he is duly authorised by the President to suspend it.

The case, then, is simply this:—A military officer, residing in Pennsylvania, issues an order to arrest a citizen of Maryland upon vague and indefinite charges, without any proof, so far as appears. Under this order his house is entered in the night; he is seized as a prisoner, and conveyed to Fort M'Henry, and there kept in close confinement; and when a habeas corpus is served on the commanding officer, requiring him to produce the prisoner before a justice of the Supreme Court, in order that he may examine into the legality of the imprisonment, the answer of the officer is, that he is authorised by the President to suspend the writ of habeas corpus at his discretion, and, in the exercise of that discretion, suspends it in this case, and on that ground refuses obedience to the writ.

As the case comes before me, therefore, I understand that the President not only claims the right to suspend the writ of habeas corpus himself at his discretion, but to delegate that discretionary power to a military officer, and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him.

No official notice has been given to the courts of justice, or to the public, by proclamation or otherwise, that the President claimed this power, and had exercised it in the manner stated in the return; and I certainly listened to it with some surprise, for I had supposed it to be one of those points of constitutional law upon which there was no difference of opinion, and that it was admitted on all hands that the privilege of the writ could not be suspended except by act of Congress.

When the conspiracy of which Aaron Burr was the head became so formidable, and was so extensively ramified as to justify, in Mr. Jefferson's opinion, the suspension of the writ, he claimed on his part no power to suspend it, but communicated his opinion to Congress, with all the proofs in his possession, in order that Congress might exercise its discretion upon the subject, and determine whether the public safety required it; and in the debate which took place upon the subject no one suggested that Mr. Jefferson might exercise the power himself, if in his opinion the public safety demanded it.

Having, therefore, regarded the question as too plain and too well settled to be open to dispute, if the commanding officer had stated that upon his own responsibility, and in the exercise of his own discretion, he refused obedience to the writ, I should have contented myself with referring to the clause in the constitution, and to the construction it received from every jurist and statesman of that day, when the case of Burr was before them; but being thus officially notified that the privilege of the writ has been suspended under the orders and by the authority of the President, and believing as I do that the President has exercised a power which he does not possess under the constitu-

tion, a proper respect for the high office he fills requires me to state plainly and fully the grounds of my opinion, in order to shew that I have not ventured to question the legality of his act without a careful and deliberate examination of the whole subject.

The clause of the constitution which authorises the suspension of the privilege of the writ of habeas corpus is in the 9th section of the 1st article.

This article is devoted to the legislative department of the United States, and has not the slightest reference to the executive department. It begins by providing, "that all legislative powers therein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives;" and after prescribing the manner in which these two branches of the legislative department shall be chosen, it proceeds to enumerate specifically the legislative powers which it thereby grants; and, at the conclusion of this specification, a clause is inserted giving Congress "the power to make all laws which may be necessary and proper for carrying into execution the foregoing powers vested by this constitution in the government of the United States, or in any department or office thereof."

The power of legislation granted by this latter clause is by its words carefully confined to the specific objects before enumerated; but as this limitation was unavoidably somewhat indefinite, it was deemed necessary to guard more effectually certain great cardinal principles essential to the liberty of the citizen, and to the rights and equality of the States, by denying to Congress, in express terms, any power of legislation over them. It was apprehended, it seems, that such legislation might be attempted under the pretext that it was necessary and proper to carry into execution the powers granted; and it was determined that there should be no room to doubt where rights of such vital importance were concerned, and accordingly this clause is immediately followed by an enumeration of certain subjects to which the powers of legislation shall not extend; and the great importance which the framers of the constitution attached to the privilege of the writ of habeas corpus to protect the liberty of the citizen is proved by the fact that its suspension, except in cases of invasion or rebellion, is first in the list of prohibited powers; and even in these cases the power is denied, and its exercise prohibited, unless the public safety shall require it.

It is true that, in the cases mentioned, Congress is of necessity the judge of whether the public safety does or does not require it, and their judgment is conclusive; but the introduction of these words is a standing admonition to the legislative body of the danger of suspending it, and of the extreme caution they should exercise before they gave the government of the United States such power over the liberty of a citizen.

It is the second article of the constitution that provides for the organisation of the executive department, and enumerates the powers conferred on it, and prescribes its duties; and if the high power over the liberty of the citizen now claimed was intended to be conferred on the President, it would undoubtedly be found in plain words in this article; but there is not a word in it that can furnish the slightest ground to justify the exercise of the power.

The article begins by declaring that the executive power shall be vested in a President of the United States of America, to hold his office during the term of four years, and then proceeds to prescribe the mode of election, and to specify in precise and plain words the powers delegated to him, and the duties imposed upon him. And the short time for which he is elected, and the narrow limits to which his power is confined, shew the jealousy and apprehensions of future danger



which the framers of the constitution felt in relation to that department of the government, and how carefully they withheld from it many of the powers belonging to the executive branch of the English government, which were considered as dangerous to the liberty of the subject, and conferred (and that in clear and specific terms) those powers only which were deemed essential to secure the successful operation of the government.

He is elected, as I have already said, for the brief term of four years, and is made personally responsible, by impeachment, for malfeasance in office. He is from necessity, and the nature of his duties, the commander-in-chief of the army and navy, and of the militia when called into actual service. But no appropriation for the support of the army can be made by Congress for a longer term than two years; so that it is in the power of the succeeding House of Representatives to withhold the appropriation for its support, and thus disband it, if in their judgment the President used or designed to use it for improper purposes. And although the militia, when in actual service, are under his command, yet the appointment of the officers is reserved to the States, as a security against the use of the military power for purposes dangerous to the liberties of the people or the rights of the States.

So, too, his powers in relation to the civil duties and authority necessarily conferred on him are carefully restricted, as well as those belonging to his military character. He cannot appoint the ordinary officers of government, nor make a treaty with a foreign nation or Indian tribe, without the advice and consent of the Senate, and cannot appoint even inferior officers unless he is authorised by an act of Congress to do so. He is not empowered to arrest any one charged with an offence against the United States, and whom he may, from the evidence before him, believe to be guilty; nor can he authorise any officer, civil or military, to exercise this power; for the fifth article of the amendments to the constitution expressly provides that no person "shall be deprived of life, liberty, or property without the process of law"—that is, judicial process.

And even if the privilege of the writ of habeas corpus were suspended by act of Congress, and a party not subject to the rules and articles of war was afterwards arrested and imprisoned by regular judicial process, he could not be detained in prison or brought to trial before a military tribunal; for the article in the amendments to the constitution immediately following the one above referred to—that is, the sixth article—provides, that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence."

And the only power, therefore, which the President possesses, where the "life, liberty, and property" of a private citizen is concerned, is the power and duty prescribed in the third section of the second article, which requires "that he shall take care that the laws shall be faithfully executed." He is not authorised to execute them himself, or through agents or officers, civil or military, appointed by himself, but he is to take care that they be faithfully carried into execution, as they are expounded and adjudged by the co-ordinate branch of the government to which that duty is assigned by the constitution. It is thus made his duty to come in aid of the judicial authority, if it shall be

resisted by a force too strong to be overcome without the assistance of the executive arm; but in exercising this power he acts in subordination to judicial authority, assisting it to execute its process and enforce its judgments.

(To be continued).

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed Joseph William Taylor, Gent., of Buxton, Derbyshire, to be a Commissioner to administer oaths in the High Court of Chancery in England.

mon brewer, Sept. 10 at half-past 12, London, aud. ac.—*E. Cox*, Warwick-street, Picnic, Middlesex, tailor, Sept. 7 at 12, London, aud. ac.—*G. Zanni*, King-street, Holborn, Middlesex, optician, Sept. 7 at half-past 12, London, aud. ac.—*Chas. M'Loughlin*, Cheltenham, Gloucestershire, gun maker, Sept. 12 at 11, Bristol, aud. ac.—*Morgan Wm. David*, Aberaman, Glamorganshire, draper, Sept. 12 at 11, Bristol, aud. ac.—*G. Hillier*, Trowbridge, Wiltshire, marine store dealer, Sept. 19 at 11, Bristol, aud. ac.—*Alexander P. Standring* and *Charles Petrie Standring*, Rochdale, Lancashire, iron-founders, Sept. 11 at 11, Manchester, aud. ac.; Oct. 8 at 11, div.—*Elul Barnsley*, Rowley Regis, Staffordshire, gas-tube manufacturer, Sept. 9 at 11, Birmingham, aud. ac.—*Louisa Windle* and *Margaret Canning*, Alcester, Warwickshire, milliners, Sept. 9 at 11, Birmingham, aud. ac.—*Charles Richard Skinner*, Worcestershire, tanner, Sept. 9 at 11, Birmingham, aud. ac.—*George Crouther Ryland*, Birmingham, coal merchant, Sept. 11 at 11, Birmingham, aud. ac.—*Minshull George Phillips*, Newcastle-under-Lyme, Staffordshire, mercer, Sept. 11 at 11, Birmingham, aud. ac.—*Thos. Palmer*, Wellesbourne, Warwickshire, maltster, Sept. 16 at 11, Birmingham, aud. ac.—*Thomas Hughes*, Digbeth Walsall, Staffordshire, licensed victualler, Oct. 7 at 11, Birmingham, aud. ac.—*Walter Green* and *John Griffiths Bevan Sayce*, Worcester, wine merchants, Oct. 7 at 11, Birmingham, aud. ac.—*Wm. Griffin*, Rowley Regis, Staffordshire, anchor maker, Oct. 7 at 11, Birmingham, aud. ac.—*James Ferguson*, Stonehouse, Devonshire, draper, Oct. 7 at half-past 12, Plymouth, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Levi Beynon*, Bristol, tailor, Sept. 23 at 11, Bristol.—*John French*, Martock, Somersetshire, butter factor, Oct. 9 at 12, Exeter.—*E. Trood* and *E. Trood* the younger, Bridgewater, Somersetshire, grocers, Oct. 9 at 12, Exeter.—*James Mannion*, Liverpool, leather dealer, Sept. 17 at 11, Liverpool.—*Peter Alder*, West Malvern, Worcestershire, builder, Nov. 7 at 11, Birmingham.—*Edwin Marc*, Birmingham, engineer, Nov. 7 at 11, Birmingham.—*Chas. Ross*, Walsall, Staffordshire, butcher, Nov. 7 at 11, Birmingham.—*John Shaw Walker*, West Bromwich, Staffordshire, licensed victualler, Oct. 2 at 11, Birmingham.—*Thomas Cooper* and *Henry Stephen Walkis*, Handsworth, Staffordshire, millers, Nov. 8 at 11, Birmingham.—*Richard Wilson*, Leeds, Yorkshire, flax spinner, Nov. 4 at 11, Leeds.

To be granted, unless an Appeal be duly entered.

*William Tugwell Fennell*, Brighton, Sussex, hatter.—*Edwin Crost*, Exeter, licensed victualler.—*George Chant*, Stoke-sub-Hamden, Somersetshire, glove manufacturer.—*James Bolton Robertson*, South Shields, Durham, draper.—*George Hiche*, Stockport, Cheshire, cotton manufacturer.

#### PETITIONS ANNULLED.

*Thomas Geddes*, Liverpool, draper.—*Samuel Fleet*, Audlem, Cheshire, mercer.

#### PARTNERSHIP DISSOLVED.

*Edward Hooker* and *Robert Samuel Foreman*, Sheerness, Kent, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Francis Quiller*, Borrowstounness, merchant.—*Adam Strang*, Barrhead, Renfrewshire, bleacher.—*William Fyfe*, Girvan, Ayrshire, tailor.

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## THE JURIST.

LONDON, SEPTEMBER 7, 1861.

FOUR years have elapsed since the clause introduced by Lord St. Leonards into the Act to amend the Law relating to Divorce and Matrimonial Causes in England (20 & 21 Vict. c. 85, s. 21) has been in operation. By virtue of its provisions a wife deserted by her husband may obtain an order from a police magistrate when she is resident in the metropolis, or from the justices in petty sessions when she is resident in the country, and in all cases from the Divorce Court, whereby any money or property she may acquire by her own lawful industry, and any property which she may become possessed of *after* such desertion, may be protected and preserved to her separate use, both against her husband and his creditors.

Previous to the passing of this humane law many were the instances of wives who, after having been deserted by their husbands for many years, were heartlessly, but at the same time *legally*, despoiled by them of all the property which they might have acquired during the desertion, either by succession or from the exercise of their own industry and self-denial. So far as it goes, this measure of Lord St. Leonards has done much good; it has averted much misery, and it has afforded in many cases protection to those deeply in need of it.

We cannot, however, but think, that, after the experience we have now had, we might safely extend the remedies given to women by this enactment. Even if desertion on the part of the husband should be an essential condition precedent to protection being afforded to the wife, a rather wider definition should be legislatively given to the term "desertion" than our magistrates feel themselves, acting judicially, bound to put upon it. A recent decision, reported in one of the public newspapers, and, we presume, correctly, has

been brought to our attention, in which, assuming the decision to be correct, a very palpable defect appears in the enactment as it now stands. The case came before Mr. Arnold, the magistrate for Westminster, and is reported as follows, with the appropriate heading, "A day too late:"—

"A middle-aged woman, of very respectable appearance, applied to the magistrate, under the Divorce and Matrimonial Causes Act, for an order to protect her effects from her husband.

"Mr. Arnold.—How long has your husband been away from you?

"Applicant.—He deserted me two years ago, and I now very much stand in need of your assistance, as I do not wish him to have what I have got by my industry.

"Mr. Arnold.—When did you last hear from him?

"Applicant.—I have never heard from him since he left me; but *he came back last night*, and *that is the reason I have come here this morning*.

"Mr. Arnold.—You are just a day too late.

"Applicant.—Am I indeed, sir?

"Mr. Arnold.—Had you come yesterday, I could have granted you the protection you require.

"Applicant.—Can't you to-day?

"Mr. Arnold.—No, I cannot, indeed. You say your husband has returned.

"Applicant.—*And that is the greater reason why I should have thought I could have protection, for he came to demand money of me.*

"Mr. Arnold.—I cannot give you a protection order unless your husband has deserted you, and it must be given during the time that he is away. *His having returned puts an end to the desertion, and deprives me of the power of granting the order.*

"Applicant.—I am very sorry you cannot help me."

In the first place, with regard to the construction placed upon the act by the learned magistrate, we cannot say that we approve of it. Look at the words

of the statute:—"A wife *deserted* by her husband may, at any time *after*" (not during) "such desertion, make an application for an order to protect property," &c. "which she may become possessed of *after*" (not during) "such desertion; and the magistrate, if satisfied of the fact of such desertion, and that the same *was*" (not is) "without reasonable cause, and that the wife is maintaining herself," &c., "may make an order protecting her earnings and property *acquired since* the commencement of the desertion."

Now, in this case the wife had clearly been deserted by her husband; the application was made after the desertion, and therefore seems to us clearly to come within the very words of the act.

But assuming that the desertion must continue until the time of the application, can the husband be said to have put an end to it by his acts in this case, where he seems to have returned, not for the purpose of remaining with and maintaining his wife, but simply for the purpose of robbing her of her earnings?

Assuming, however, that the magistrate is right, and that the words of the enactment are not sufficiently clear or strong to deprive the husband of his marital right by common law to strip his wife of her property, does not such a state of the law clearly call for amendment? As is well observed by a learned writer, to whom more than any one we are indebted for the present change in the law\*, "the injury in such cases done to the wife is not the desertion, but the re-appearance of the husband, and the tyrannical use made of the marital power. The wife seeks protection, not because the husband has gone away, but because he has come back and plundered her, or may do both."

It is, however, full time that we should consider whether the law, which is found to work well in France, should not either wholly or partially be introduced into England, whereby the wife, if the husband, although living with her, takes to squandering, may be able to obtain, in a summary mode, a division of the moveable property, and have the administration of her own fortune committed to herself. As the law now stands, as long as a husband does no violence to his wife, he may take all her property not settled to her separate use; he may seize her earnings, and apply for his own vicious and sensual gratification the money gained by her hard labour for the maintenance and support of the family. The desertion of such a husband—and there are not a few of such a description—would, so that it were permanent, be a blessing to his wife and family; but such persons often prefer "constant adherence" to perpetual exile; and the wife must toil on in her hopeless task, pitied by all who know her, but unaided by the law.

We think that where a wife can shew that her husband is applying her earnings and property, not for the maintenance of the family, but for his own purposes, and that her earnings and property are intercepted, or are liable to be intercepted, by her husband or his

creditors, she ought at once, in a summary manner, to be able to obtain protection against their interference. These things are better managed in France—"A French washerwoman, pestered by an idle, drunken husband, wipes the soap off her arms, leaves her work for half an hour, and returns with a certificate which protects her wages. An Englishwoman has no resource but to make her terms with the vagabond; so long as he only robs her, and does her no violence, the law holds him to be acting in his right†."

The only persons who could complain against the proposed alteration in the law would be the husband and his creditors; and it might also be objected that it would give rise to matrimonial quarrels and family dissensions.

If an order, during cohabitation, protecting the wife's property, were made in a proper case, any complaint of the husband, almost a concession, is inadmissible; and with regard to the creditors of the husband, it can, perhaps, scarcely be supposed that they would allow him to contract debts with them upon the faith of his wife's earnings or property; or, if they did do so, few persons, we believe, would consider that, as against the wife, they are entitled to the aid or consideration of the law.

With regard to the effect of such orders upon the family peace, it has been found from experience, in France, that "they do not disturb domestic happiness†." Nor do we think that the result would be otherwise in England; at any rate, the industrious wife is entitled to all the protection that a well-considered law would afford her; and we hope that Lord St. Leonards will again turn his attention towards the improvement of the humane law which he so wisely introduced into Parliament.

### Review.

*Roscoe's Digest of the Law of Evidence in Criminal Cases. Fifth Edition, with considerable Additions. By DAVID POWER, Esq., one of her Majesty's Counsel, Recorder of Ipswich.*

[V. & R. Stevens & Sons; Sweet; and Maxwell. 1861.]

WE have postponed noticing this work until the fate of the bills for the consolidation and amendment of a considerable portion of the criminal law should be decided. They have now passed into law, and form the stats. 24 & 25 Vict. cc. 94, 95, 96, 97, 98, 99, 100.

The treatises of the late Mr. Roscoe on Evidence at Nisi Prius, and on Evidence in Criminal Cases, are too well known to need comment; their success during so many years, in which they have gone through so large a number of editions, is the best testimony to their merits, for the purpose for which they were designed—namely, not as formal treatises on the great and difficult subject of Evidence, but as valuable practical digests adapted for ready use in court or on circuit. The present is the fifth edition of the treatise on

\* Macqueen's Treatise on Divorce and Matrimonial Jurisdiction, p. 99, 1st ed.

\* Macqueen on Divorce, p. 97, 1st ed.; extract from *The Times*, 18th March, 1857.

† Macqueen on Divorce, p. 140, 1st ed.

Criminal Evidence, the companion treatise being now in its tenth edition; but then it should be remembered, that the former had a powerful rival in Archbold's Criminal Pleading, while the latter had, comparatively speaking, no rival at all. In the present edition, the editor, Mr. D. Power, Q. C., who also edited the previous one, has had, as he informs us in the advertisement, the assistance of Mr. Markby, of the Norfolk Circuit, for which he acknowledges himself greatly indebted.

Mr. Roscoe's treatise on Criminal Evidence, as is well known, is divided into three parts, the first containing the "General Rules of Evidence;" the second, "Evidence in particular Prosecutions" (arranged in alphabetical order); and the third, "General Matters of Defence." In the advertisement to the present edition we are told that "the introductory portion of the work has been re-arranged, with the view of rendering it more readable to the student of criminal law, and more easy of reference to all who may have occasion to consult it." The only change in the *general* heading of the first part is, that instead of the first title, "Primary and Secondary Evidence," the present edition contains two titles, denominated respectively "Best Evidence" and "Secondary Evidence"—a decided improvement; for, in all the previous editions, the important rule, which requires the best evidence to be given, instead of being treated as, what it undoubtedly is, a fundamental principle running through the whole law of evidence, is apparently confined to the case where secondary evidence of the contents of written documents is excluded until the absence of the primary evidence is accounted for.

We have alluded to the recent statutes for the consolidation and amendment of the criminal law. The advertisement to the present edition bears date the 10th April, 1861, and those acts are dated the 6th August, 1861, whence it appears that the publication of the work may be considered as having taken place almost on the eve of the statutes. This is a fortunate circumstance in one respect, namely, that the work may be looked on as bringing the law down to the passing of the statutes, on the construction of which some time must necessarily elapse before any cases can be reported, and a much longer period before they can be even tolerably expounded by judicial authority. Add to this, that those statutes do not effect *much* alteration in the nature of the offences treated of in the work, or the evidence by which accusations of them are to be supported or rebutted, the changes effected by them being chiefly with reference to the punishment of those offences. For the purposes of practice, therefore, what the professional man at this moment requires is the present or some similar treatise, shewing the state of the pre-existing law on the subjects to which the statutes relate, as well as to the other subjects which are unaffected by them; together with copies of the statutes, either as they are issued by the Queen's printer, or, as they doubtless will be, commented on by treatises emanating from members of the Profession. By the time a fresh edition of the work will be called for, those statutes, with their

judicial interpretations, can easily be incorporated into it.

Like all others, the present work is not only not free from typographical inaccuracies, but has imperfections of its own. Thus we do not see in it any statement of the fact that counsel in a cause are competent witnesses; at least, we cannot find the case of *Cobbett v. Hudson* (1 El. & Bl. 11), where this doctrine was established, nor the cases of *Stones v. Byron* (4 Dowl. & L. 393) and *Dunn v. Packwood* (11 Jur. 242), which it overrules; and this omission is the more remarkable, as *Cobbett v. Hudson* is cited for another point at p. 140. At p. 120 also is the following passage from Alison's Criminal Law of Scotland (p. 436)—"With regard to those persons who are afflicted with monomania, or an aberration of mind on one particular subject (not touching the matter in question) and whose judgment in other respects is correct, the safest rule appears to be to exclude their testimony, it being impossible to calculate with accuracy the extent and influence of such a state of mind." In the absence of express authority on the above subject in our own law, this passage might have been properly inserted, and indeed is to be found in former editions of the work under consideration; although even then the doctrine contained in it was very questionable on principle; but that doctrine has been completely overturned by the decision of the Court of Criminal Appeal in *Rex v. Hill* (2 Den. C. C. 254)—a case which, indeed, is referred to by Mr. Power, but the important principle established by it is not brought out with sufficient distinctness. On the subject of notice to produce documents, we think that the important case of *Dwyer v. Collins* (7 Exch. 639) ought not to have been omitted. Moreover, when dealing with the subject of the proof of the laws of other countries, mention ought to have been made of the Law Ascertainment Act, 22 & 23 Vict. c. 63. For the non-appearance in this work of the recent important act on that subject, the 24 & 25 Vict. c. 11, the editor is not responsible, as it had not received the royal assent at the time of publication.

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#### UNITED STATES LAW REPORTS.

(Concluded from p. 335).

With such provisions in the constitution, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President, in any emergency or in any state of things, can authorise the suspension of the privileges of the writ of habeas corpus, or arrest a citizen, except in aid of the judicial power. He certainly does not faithfully execute the laws if he takes upon himself legislative power by suspending the writ of habeas corpus, and the judicial power also by arresting and imprisoning a person without due process of law. Nor can any argument be drawn from the nature of sovereignty, or the necessity of government, for self-defence in times of tumult and danger. The government of the United States is one of delegated and limited powers; it derives its existence and authority altogether from the constitution, and neither of its branches, executive, legislative, or judicial, can exercise any of the powers



of government beyond those specified and granted; for the tenth article of the amendments to the constitution in express terms provides, that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Indeed, the security against imprisonment by executive authority provided for in the fifth article of the amendments to the constitution, which I have before quoted, is nothing more than a copy of a like provision in the English constitution which had been firmly established before the declaration of independence.

[The Chief Justice here cites several authorities, viz. 1 Bl. Com. 133; 3 Bl. Com. 133, 134; 4 Hallam's Const. Hist. 9; 3 Story's Const., s. 1336; and *Ex parte Bollman* (4 Cranch, 95, 101).]

But the documents before me shew that the military authority in this case has gone far beyond the mere suspension of the privilege of the writ of habeas corpus. It has, by force of arms, thrust aside the judicial authorities and officers, to whom the constitution has confided the power and duty of interpreting and administering the laws, and substituted a military government in its place, to be administered and executed by military officers; for at the time these proceedings were had against John Merryman, the district judge of Maryland, the commissioner appointed under the act of Congress, the district attorney, and the marshal, all resided in the city of Baltimore, a few miles only from the home of the prisoner. Up to that time there had never been the slightest resistance or obstruction to the process of any court or judicial officer of the United States in Maryland, except by the military authority; and if a military officer, or any other person, had reason to believe that the prisoner had committed any offence against the laws of the United States, it was his duty to give information of the fact, and the evidence to support it, to the district attorney; and it would then have become the duty of that officer to bring the matter before the district judge or commissioner; and if there was sufficient legal evidence to justify his arrest, the judge or commissioner would have issued his warrant to the marshal to arrest him, and upon the hearing of the case would have held him to bail, or committed him for trial, according to the character of the offence as it appeared in the testimony, or would have discharged him immediately if there was not sufficient evidence to support the accusation. There was no danger of any obstruction or resistance to the action of the civil authorities, and therefore no reason whatever for the interposition of the military.

And yet, under these circumstances, a military officer, stationed in Pennsylvania, without giving any information to the district attorney, and without any application to the judicial authorities, assumes to himself the judicial power in the district of Maryland, undertakes to decide what constitutes the crime of treason or rebellion—what evidence (if, indeed, he required any) is sufficient to support the accusation and justify the commitment—and commits the party, without a hearing even before himself, to close custody in a strongly-garrisoned fort, to be there held, it would seem, during the pleasure of those who committed him.

The constitution provides, as I have before said, that "no person shall be deprived of life, liberty, or property without due process of law." It declares that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be

seized." It provides that the party accused shall be entitled to a speedy trial in a court of justice.

And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of habeas corpus, by a military order, supported by force of arms. Such is the case now before me, and I can only say that if the authority which the constitution has confided to the judiciary department and judicial officers may thus, upon any pretext or under any circumstances, be usurped by the military power at its discretion, the people of the United States are no longer living under a government of laws, but every citizen holds life, liberty, and property at the will and pleasure of the army officer in whose military district he may happen to be found.

In such a case my duty was too plain to be mistaken. I have exercised all the power which the constitution and laws confer upon me, but that power has been resisted by a force too strong for me to overcome. It is possible that the officer who has incurred this grave responsibility may have misunderstood his instructions, and exceeded the authority intended to be given him. I shall, therefore, order all the proceedings in this case, with my opinion, to be filed and recorded in the Circuit Court of the United States for the district of Maryland, and direct the clerk to transmit a copy, under seal, to the President of the United States. It will then remain for that high officer, in fulfilment of his constitutional obligation, to "take care that the laws be faithfully executed"—to determine what measures he will take to cause the civil process of the United States to be respected and enforced.

at 10, Sheffield, div.—*William Worrall*, West Melton, near Wath, Yorkshire, grocer, Sept. 21 at 10, Sheffield, div.—*John S. Booth*, Sheffield, Yorkshire, pianoforte dealer, Sept. 21 at 10, Sheffield, div.—*John R. Teale*, Leeds, Yorkshire, cabinet maker, Sept. 20 at 11, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Wm. Gunnell and John Browne*, Landport, Hampshire, biscuit manufacturers, Sept. 23 at half-past 12, London.—*Samuel Webb*, Sudbury, Suffolk, builder, Sept. 23 at half-past 11, London.—*George Scott*, Cubitt-town, Isle of Dogs, Middlesex, engineer, Sept. 23 at 2, London.

*To be granted, unless an Appeal be duly entered.*

*Joseph Churchill and John Macmillan*, Cannon-street, City, timber brokers.—*James Hayday*, Little Queen-street, Lincoln's-inn fields, Middlesex, bookbinder.—*Eliza Arnold*, Flamstead, Hertfordshire, straw-plait dealer.—*Robt. Beard*, Snow's-fields, Bermondsey, Surrey, wheelwright.—*Charles Frederick Bislefield*, Wellington-street, Strand; Gower-street, Bedford-square; and Staines, Middlesex, papier maché manufacturer.—*Robert Royds and Henry Francis Whittle*, Freemantle, Millbrook, Southampton; Barnsley, Yorkshire; and Higher Beblington, near Birkenhead, Cheshire, contractors.—*John Moore*, Chalton-street, Euston-road, Middlesex, ironmonger.—*Wm. James Dalton*, Balham-hill, Surrey, builder.—*Robert Bryant*, Newmarket, Suffolk, corn merchant.—*Daniel Gamon*, Colney Hatch Station, coal merchant, and Hornsey, Middlesex, builder.—*John Rees*, Swansea, Glamorganshire, builder.—*William Green*, Liverpool, victualler.—*Thomas Owens*, Holyhead, Anglesey, flour dealer.—*William Thomas*, Llanerchymedd, Anglesey, draper.—*John Moscop*, Liverpool, provision dealer.—*Samuel Wynn*, Upper Tramere, Cheshire, contractor.—*James Clarke*, *Benj. Clarke*, and *John Richard Clarke*, Worsley and Clayton, Lancashire, cotton spinners.—*John Cusker*, Manchester, cotton-waste dealer.

#### SCOTCH SEQUESTRATIONS.

*John Sharp*, Stirling, smith.—*James Gibson*, Airdrie, Lanarkshire, coach hirer.—*David Stewart*, Dumbarton,

grocer.—*Lewis Stewart*, Glasgow, auctioneer.—*G. Stewart*, Fochabers, Elginshire, cattle dealer.—*David Tannahill*, Glasgow, engineer.

TUESDAY, Sept. 3.

BANKRUPTS.

**JAMES THOMAS SHELDRICK**, Stainsby-terrace, Stainsby-road, Poplar, and Woodbridge-street, Clerkenwell, Middlesex, timber merchant, Sept. 16 at 2, and Oct. 16 at half-past 12, London: Off. Ass. Stansfeld; Sol. Norton, 10, Clifford's-inn, Fleet-street.—Pet. f. Aug. 29.

**FRANCIS NORTH CLERK JARDINE**, Tottenham-court-road, and Winchester-place, Pembroke-villas, Bayswater, Middlesex, licensed victualler, Sept. 16 at 11, and Oct. 16 at 12, London: Off. Ass. Stansfeld; Sols. Harrison & Lewis, 6, Old Jewry, City.—Pet. f. Aug. 30.

**GABRIEL SELIG**, North-buildings, Finsbury-circus, City, dealer in watches, Sept. 12 at half-past 11, and Oct. 16 at 11, London: Off. Ass. Cannan; Sol. Solomon, 22, Finsbury-place, Finsbury.—Pet. f. July 25.

**ALFRED SPARK**, Great Coram-street, Russell-square, Middlesex, watchmaker, Sept. 14 and Oct. 22 at 1, London: Off. Ass. Edwards; Sol. Boydell, 41, Queen-square, Bloomsbury.—Pet. f. Sept. 2.

**ENRICO FONTANELLA**, Lime-street, City, merchant, Sept. 14 at 11, and Oct. 22 at 12, London: Off. Ass. Edwards; Sols. Marten & Co., Mincing-lane, City.—Pet. f. Sept. 2.

**HENRY JOHN HALL**, Chapel Close, Berkshire, and Oxford, farrier, Sept. 14 at half-past 11, and Oct. 8 at half-past 1, London: Off. Ass. Edwards; Sols. Parker & Co., 17, Bedford-row, London.—Pet. f. Sept. 2.

**HENRY BENSON COX**, Cowper's-court, Cornhill, City, tavern keeper, Sept. 16 at 11, and Oct. 14 at 1, London: Off. Ass. Pennell; Sols. Lawrence & Co., 12, Bread-street, London.—Pet. f. Sept. 2.

**WILLIAM M'INTOSH**, Newport, Monmouthshire, travelling draper, Sept. 17 and Oct. 15 at 11, Bristol: Off. Ass. Acraman; Sol. Henderson, Bristol.—Pet. f. Aug. 20.

**JOHN READER**, Birmingham, galvanised iron-roof manufacturer, Sept. 13 and Oct. 4 at 11, Birmingham: Off. Ass. Kinnear; Sols. East & Parry, Birmingham.—Pet. d. Aug. 30.

**WILLIAM TERRY**, Birmingham, plater, Sept. 16 and Oct. 7 at 11, Birmingham: Off. Ass. Whitmore; Sols. Southall & Nelson, Birmingham.—Pet. d. Aug. 29.

**SAMUEL HENRY BECK**, Birmingham, milliner, Sept. 13 and Oct. 4 at 11, Birmingham: Off. Ass. Whitmore; Sols. Southall & Nelson, Birmingham.—Pet. d. Aug. 30.

**WILLIAM THORN**, Lyme Regis, Dorsetshire, innkeeper, Sept. 11 and Oct. 9 at 12, Exeter: Off. Ass. Hirtzel; Sol. Willesford, Exeter.—Pet. f. Sept. 2.

**SAMUEL LBS**, Meltham, Almondbury, Yorkshire, grocer, Sept. 13 and Oct. 4 at 11, Leeds: Off. Ass. Young; Sols. Jessop, Huddersfield; Bond & Barwick, Leeds.—Pet. d. Aug. 23.

**CHARLES TURMEAU**, Liverpool, tobacconist, Sept. 13 at 11, and Oct. 4 at 2, Liverpool: Off. Ass. Turner; Sols. Forshaw & Goodman, Liverpool.—Pet. f. Aug. 23.

**THOMAS HIRD**, Burnley, Lancashire, timber merchant, Sept. 17 and Oct. 17 at 12, Manchester: Off. Ass. Fraser; Sol. Hughes, Liverpool.—Pet. f. Aug. 26.

**EBENEZER ALSTON**, Ashton-under-Lyne, and Accrington, Lancashire, grocer, Sept. 13 and Oct. 15 at 12, Manchester: Off. Ass. Hernaman; Sol. Richardson, Manchester.—Pet. f. Aug. 20.

**JOHN CARTER**, West Hartlepool, Durham, builder, Sept. 10 at half-past 11, and Oct. 23 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Turnbull & Bell, West Hartlepool.—Pet. f. Aug. 24.

**THOMAS RIDLEY OSWALD**, Sunderland, Durham, ship builder, Sept. 12 and Oct. 30 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ranson & Son, Sunderland.—Pet. f. Aug. 22.

**SAMPSON ESTILL CLARK**, West Hartlepool, Durham, ship chandler, Sept. 12 at 11, and Oct. 23 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Turnbull & Bell, West Hartlepool.—Pet. f. Aug. 24.

MEETINGS.

**Henry Boreham**, Wilmot-street, Russell-square, Middlesex, plumber, Sept. 14 at 12, London, last ex.—**James Hayday**, Little Queen-street, Lincoln's-inn-fields, Middlesex, bookbinder, Sept. 16 at 12, London, aud. ac.—**Wm. Henry Davis**, Ash, Surrey, farmer, Sept. 16 at 11, London, aud. ac.—**Edwin Curtis**, Strand, Middlesex, dealer in American goods, Sept. 16 at 11, London, aud. ac.—**John Hall**, Purfleet-wharf, Camden-town, Middlesex, wharfinger, Sept. 16 at 11, London, aud. ac.—**Daniel Gamon**, Colney Hatch Station, Middlesex, coal merchant, and Hornsey, Middlesex, builder, Sept. 16 at 12, London, aud. ac.—**Daniel Pilditch**, Oakley-crescent, South Chelsea, Middlesex, builder, Sept. 16 at 12, London, aud. ac.—**John Jukes** the younger, Wharf-road, City-road, Middlesex, manufacturer of patent furnaces, Sept. 16 at 12, London, aud. ac.—**Robert Carruthers** and **George Carruthers**, Liverpool, drapers, Sept. 16 at 11, Liverpool, aud. ac. joint est. and aud. ac. sep. est. of **R. Carruthers**.—**Henry Leno**, Liverpool, merchant, Sept. 16 at 11, Liverpool, aud. ac.—**John Jones**, Wrexham, Denbighshire, draper, Sept. 16 at 11, Liverpool, aud. ac.—**William Thomas**, Llanerchymedd, Anglesey, draper, Sept. 16 at 11, Liverpool, aud. ac.—**William Henry Rawlings**, Brownlow-street, Holborn, Middlesex, builder, Sept. 16 at 11, London, aud. ac.—**Thomas Taylor** and **Richard Banks**, Salford, Lancashire, cotton manufacturers, Oct. 2 at 11, Manchester, aud. ac. joint est. and aud. ac. sep. est. of **Thomas Taylor**; Oct. 9 at 11, div. joint est. and div. sep. est. of **Thomas Taylor**.—**William Routh Burrill**, Kingston-upon-Hull, merchant, Sept. 25 at 12, Kingston-upon-Hull, aud. ac. and div.—**John Slater Marshall**, Billiter-street, City, shoe factor, Sept. 26 at 11, London, div.—**William Sharp** the younger, New Broad-street, City, underwriter, Sept. 26 at 2, London, div.—**John Julian**, Noble-street, Falcon-square, City, wholesale milliner, Sept. 26 at half-past 1, London, div.—**Charles Smith Harrison**, Glossop, Derbyshire, grocer, Oct. 8 at 12, Manchester, div.—**Henry Dumington**, Nottingham, glove-cloth manufacturer, Sept. 26 at 11, Nottingham, div.—**James Henderson**, Nottingham, draper, Sept. 26 at 11, Nottingham, div.

CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**William Malkin**, Macclesfield, Cheshire, wine merchant, Oct. 9 at 12, Manchester.—**Michael Griffin**, Liverpool, leather dealer, Sept. 24 at 12, Liverpool.—**George James Paris** and **William Henry Thomas Paris**, Liverpool, provision merchants, Sept. 24 at 1, Liverpool.

*To be granted, unless an Appeal be duly entered.*

**John Blunsom Hutt**, Cambridge, printseller.—**Henry Leno**, Liverpool, merchant.—**James Turner**, Bury, Lancashire, cotton manufacturer.—**William Balshaw**, Bolton, Lancashire, cotton manufacturer.—**James Daniells**, Manchester, iron merchant.—**Henry Kidd**, Stockport, Cheshire, cotton manufacturer.—**Daniel Browne** and **William Browne**, Macclesfield, Cheshire, silk manufacturers.

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## THE JURIST.

LONDON, SEPTEMBER 14, 1861.

PROFESSIONAL men owe a debt of gratitude to Mr. Hubbard for the spirit and ability with which he has fought their cause against the disheartening opposition of an unfairly constituted committee. He has failed to procure a report in favour of his proposed amendment of the income tax; but he has produced, perhaps unintentionally, an effect of greater ultimate value by exposing the necessary injustice and absurdity of an income tax in any shape, and by wringing from the adverse majority in the committee the confession, that "they feel so strongly the dangers and ill consequences to be apprehended from an attempt to unsettle the present basis of the tax, without a clear perception of the mode in which it is to be reconstructed, that they are not prepared to offer any suggestion for its amendment;" and that "the objections which are urged against the tax are objections to its nature and essence, rather than to the particular shape which has been given to it"—a confession of which the full value is only seen when, upon searching the report, it appears that the committee cannot produce a single argument in answer to the objections urged against the existing tax.

Mr. Hubbard assumes as conceded the principle that the tax known as the property and income tax is intended to be a tax upon income only, and, so far as it falls upon capital, sins not only against principle and expediency, but against consistency and the expressed intention of the Legislature; and he takes perhaps superfluous pains to shew that the expression "income and property tax" ought not to be regarded as sanctioning any taxation of capital. The expression, however, is a mere official inaccuracy, and is not justified by anything to be found in the acts under which the tax is raised. The principal act is intitled "An Act for granting to her Majesty Duties on *Profits arising from Property, Professions, Trades, and Offices*,"

and the tax is imposed, in Schedules (A.) and (B.), upon "every 20s. of the annual value" of lands, tenements, and hereditaments; in Schedule (C.), "upon all profits arising from annuities, dividends, &c.; in Schedule (D.), "upon the annual profits or gains arising or accruing to any person from any kind of property, or from any profession, trade, employment, or vocation;" and in Schedule (E.), upon public offices or employments of profit and pensions. The expression "property tax" was applicable to some of the impositions contained in Mr. Pitt's first act of 1798 (38 Geo. 3, c. 16), which, however, was aimed rather at expenditure than at property, and, being found unequal and imperfect in its operation, was repealed by the act of the 39 Geo. 3, c. 13, expressly granting duties upon "income" only. In the lately United States of North America the principal revenue of each State is raised by a property tax. Assessors elected by the people ascertain the saleable value of each separate holding of real property within their district, and also, with the assistance of returns from the parties to be charged, the clear value of all personal property, of whatever kind, owned by each taxable individual, after allowing for debts and property exempt by law from execution. The tax is levied rateably upon the values so ascertained. Income is not taxed, but only property. It is easy to see why a democratic legislature would prefer to tax property rather than income. In England the burthen of taxation has fallen principally, where it ought to fall, upon expenditure. The tax now under consideration, however, is intended and expressed to be a tax neither upon property nor expenditure, but upon income, the means of expenditure.

Assuming, then, that income alone ought to be subject to the tax, and also assuming that every injustice and inequality in the incidence of a tax ought to be removed as far as can be done, without regard to the objection that other inequalities are not corrected, or even that other inequalities of minor importance may be incidentally slightly aggravated—a proposition



which Mr. J. S. Mill forcibly expressed in his examination before the committee in these terms—"I think it highly desirable, in every plan of approximating taxation to justice, that a just principle should be carried out so far as it can go—that is, to the point at which it is stopped by insurmountable obstacles; but if other means fail, and it is thought there are insurmountable obstacles to doing absolute justice in a particular case, I am forced to give way to them, but not for that reason to relax my support of what I consider justice in cases in which it is practicable"—Mr. Hubbard thus indicates certain defects of the present Income-tax Acts, and the practicable remedies:—

"1. Capital given as the consideration for annuities terminable by lapse of years or lapse of life is taxed in the annuity through which it is being repaid with interest.

"2. Capital in course of realisation through the working of mines is taxed in the assessment of the entire value of the produce.

"3. The portion of land rent applied to the maintenance of the property, insurance, and repairs, is taxed, though not available as income.

"4. The portion of house rent applied to the maintenance of the property, insurance, and repairs, is taxed, although not available as income.

"5. Rent paid in the shape of fines is assessed in the hands of the lessor, although the full annual value of the property may have been already taxed in the hands of the lessee or tenant.

"6. Industrial earnings are taxed to their full extent, although their dependence on the life and efficiency of those whose labour is indispensable to their production requires that a considerable portion be annually saved, such portion, when invested as capital, being again taxed in its subsequent products."

The remedy for these defects being—

"1. The disallowance of deduction in respect of income tax on the payment of so much of a terminable annuity as consists of capital repaid.

"2. An allowance on the annual produce of mines in respect of the exhaustion of the mineral, to the extent of one-fifth for metallic mines, except ironstone, and one-tenth for ironstone, coal, slate, and stone.

"3. An allowance of one-tenth of the rental of land for outgoings, and, in the case of a benefice, of 100*l.* a year for a curate.

"4. An allowance of one-sixth of the rental of houses for outgoings.

"5. A remission of the tax on fines when the occupier pays a rack-rent.

"6. An allowance of one-third on industrial incomes, excluding, of course, the profits on dividends of joint-stock companies."

The contention in and before the committee was principally upon the first and the last of these proposed amendments. The proposal to deduct one-third from industrial incomes is based upon the obvious distinction between the condition of a person who creates an income by his own industry, and that of one who derives income from property, whether belonging to himself or to another. It is true that the

owner of an income derived from property may have no more than a life interest in the property, his income being only less uncertain than that of the man of business by the absence of the contingency of ceasing from ill-health or age; but the grand distinction between the two classes lies in this—that the industrial class, as a whole, is a saving class; the class of life tenants, as a whole, is not a saving class. Men of business put by, according to the average selected by Mr. Hubbard, one-third of their net income in the shape of savings; they convert it into capital, which is taxed on the income it produces, and which ought not to be taxed in its nascent state as income, because it is not practically income available for expenditure, the only legitimate subject of an income tax. The class of life tenants consists, in the main, of persons having an interest in real or personal property, the corpus of which belongs to some relation or relations existing or expected. They are at least exempt from the necessity of saving a provision for their old age, and in the majority of cases the capital from which they derive their income is settled as a provision for their children, and thus the other principal inducement to save is removed; or, generally, it may be said that the savings of the country, or the annual additions to its capital, are derived mainly from industrial income, and very inconsiderably from the income of land or capital. The claim, therefore, of the owners of industrial incomes to an allowance is great, unquestionable, and practically admissible; that of the owners of life interests in property is small, and also inadmissible, on account of the impossibility in practice of distinguishing between the few cases in which it might reasonably be allowed in full, and the many in which no allowance ought to be made. But the impossibility of giving relief to a few individual cases in one class, though a good ground of objection to an income tax in any shape, cannot be urged against the relief of a large and well-defined class, to every individual of which it is justly due.

The case of *purchasers* of annuities for life or years stands on a different ground, and, curiously enough, the distinction has been taken by the Government in its own favour only. In 1846 Parliament voted an advance of 3,000,000*l.* to be lent to the landowners of Great Britain at an interest of 3*l.* per cent., repayable in twenty-two years. The transaction between the Government and the landowners was, therefore, the purchase of an annuity of 65*l.* during twenty-two years for every 1000*l.* advanced; and the law as it then stood (5 & 6 Vict. c. 35, s. 60) authorised the landowner to deduct an amount equal to the income tax on this 65*l.* per annum from each annual payment. But the Income-tax Act of 1853 (16 & 17 Vict. c. 34, s. 42), referring to these loans alone, and reciting truly enough that the annual payments are made up of capital repaid as well as interest, reduces the authorised deduction to one-third. But in the case of terminable annuities charged under Schedule (C.), the Government still deduct the duty from the annual instalment of principal; and in the case of annuities granted by companies or private individuals for valuable consideration, the annual payment



of which, therefore, consists mainly of capital repaid, the annuitant is still liable to a deduction, in the name of income tax, from his capital, although the grantor of the annuity only pays the tax on his net income, and pockets for his own use the per-centage which he has kept back out of the instalments of capital. That the attempt to correct these obvious anomalies should be deliberately affirmed by the representatives of the Government to be dangerous is one of the many proofs which the existing as well as some other Governments have given of the smallness of the measure of wisdom under which a great country will submit to be governed. The draft report proposed by Mr. Lowe is worthy of careful perusal, for it shews that a man may continue for many years in the practice of smart speaking, with the advantage of official practice, and yet never be able to stumble upon a sensible conclusion, or to reason consistently through the space of two consecutive syllogisms.

The alterations suggested by Mr. Hubbard would doubtless be real amendments, but at the best they would only be palliatives of a radically vicious tax—a tax erroneous in principle, unequal in incidence, and, above all, demoralising in practice. A large portion of the revenue of the country is derived from real property and from capital. The income from these sources is capable of very considerable increase prospectively, without injustice to individuals. For instance, real property advances in value as the population and wealth of the country in which it lies increase, without any assistance from the owner of it; and a considerable portion of this increased value might from time to time be justly appropriated for public purposes. The necessary revenue which state property, the taxes upon real estate and upon other property now in existence, and taxes upon successions, are insufficient to supply, ought unquestionably to be raised, as far as practicable, by a tax upon expenditure. Whether we regard the enjoyment which a man derives under the protection of social government, or the injury which he does to his fellow-subjects by destroying a portion of the total stock of commodities, it is plain that no measure of the amount of his obligations to society can be so natural and just as the value of the labour, or of the products of labour, that he appropriates to his own use. And if half the ingenuity which has been expended in devising or defending schemes for direct taxation had been applied to the improvement of our indirect taxes, the problem of an easy and just system of taxation might have been already solved. When it is considered that in a country enjoying liberal institutions it is impossible permanently to impose the burthen of any tax upon unskilled labourers, and that the wages of unskilled labour regulate the price of every product of industry, it will perhaps be seen that the solution of the problem is to be sought in a tax upon the necessities of life.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed William Pryce Yearsley, Gent., of Welshpool, Montgomeryshire, to be a Commissioner to administer oaths in the High Court of Chancery in England.

Sept. 27 at 11, Leeds, div.—*W. Wilson*, Thirsk and Northalerton, Yorkshire, currier, Sept. 27 at 11, Leeds, div.—*R. H. Hartley*, Halifax, Yorkshire, merchant, Sept. 27 at 11, Leeds, div.—*Joseph Thompson*, Wakefield, Yorkshire, yarn spinner, Sept. 27 at 11, Leeds, div.—*George Heath*, Chesterfield, Derbyshire, builder, Sept. 28 at 10, Sheffield, div.—*Herbert Birks*, Sheffield, Yorkshire, grocer, Sept. 28 at 10, Sheffield, div.—*John Hickson*, Sheffield, Yorkshire, builder, Sept. 28 at 10, Sheffield, div.—*Joseph Burrows*, Chesterfield, Derbyshire, cabinet maker, Sept. 28 at 10, Sheffield, div.—*Thomas Hobson*, Sheffield, Yorkshire, grocer, Sept. 28 at 10, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas C. Barber*, Gravesend, Kent; Grays, Essex; and Enfield, Middlesex, currier, Sept. 27 at 1, London.—*George Hornsey*, Southampton, gasfitter, Sept. 27 at half-past 12, London.—*Thomas Symons*, Prince's-terrace, Caledonian-road, Islington, and St. John-street, Clerkenwell, Middlesex, leather seller, Sept. 28 at 11, London.—*Wm. Geo. Martin*, Risca, Monmouthshire, innkeeper, Oct. 8 at 11, Bristol.—*Thomas Bannister*, Hereford, builder, Nov. 6 at 11, Birmingham.—*Sarah Bannister*, Leominster, Herefordshire, wool dealer, Nov. 6 at 11, Birmingham.—*Benjamin Gadsby*, Birmingham, brushmaker, Nov. 4 at 11, Birmingham.—*W. Dawson*, Nottingham, innkeeper, Oct. 1 at half-past 11, Nottingham.—*Wm. James Windram* and *Edward S. Tebbutt*, Leicester, elastic web manufacturers, Oct. 1 at half-past 11, Nottingham.—*William Parham*, Nottingham, licensed victualler, Oct. 1 at half-past 11, Nottingham.—*George William Cave*, Nottingham, bleacher, Nov. 5 at half-past 11, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Joseph Platnauer*, Carpenter's-buildings, London-wall, City, dealer in prints.—*Edward Richards Sherrin*, Richmond-villas, Westbourne-grove North, Baywater, Middlesex, builder.—*John F. Ruffie*, Coleman-st., City, bill discounter.—*George Royce*, Duddington, Northamptonshire, miller.—*Thomas Kneath*, Swansea, Glamorganshire, wine merchant.—*Richard W. Tilley*, Weston-super-Mare, Somersetshire, draper.—*Charles Collier*, Swindon, Wiltshire, cabinet maker.

#### PARTNERSHIP DISSOLVED.

*Samuel Newson Gissing* and *Henry Dent Henrick*, Bedford, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*David Gardner*, Glasgow, cooper.—*David Smith*, Leith, shipbroker.—*Middleton Downes*, Dundee, contractor.—*John Walker*, Troon, baker.—*Archibald M'Lachlan*, Glasgow, scow trader.

TUESDAY, Sept. 10.

#### BANKRUPTS.

**FREDERICK CLARKE**, Devons-road, Bromley, Middlesex, licensed victualler, Sept. 23 at 12, and Oct. 16 at 1, London: Off. Ass. Stansfeld; Sols. Dod & Longstaffe, 19, Great Portland-street, London.—Pet. f. Aug. 28.  
**JAMES COOPER**, late of Wootton Bridge, Isle of Wight, now a prisoner for debt in Winchester Gaol, Sept. 19 at half-past 12, and Oct. 21 at 12, London: Off. Ass. Pennell; Sols. Buckel, Newport, Isle of Wight; Walker & Jerwood, 12, Fumival's-inn, London.—Pet. f. Aug. 22.  
**THOMAS CARTER**, Windoor-road, Upper Holloway, Middlesex, builder, Sept. 20 at half-past 12, and Oct. 22 at 1, London: Off. Ass. Edwards; Sols. Jay & Pilgrim, 14, Bucklersbury, London, and Norwich.—Pet. f. Sept. 5.  
**JAMES DRAKE**, Lansdown-place, Upper Norwood, Surrey, builder, Sept. 20 and Oct. 22 at half-past 2, London: Off. Ass. Edwards; Sols. Howard & Co., 68, Paternoster-row, London.—Pet. f. Sept. 5.  
**WILLIAM GOHEGAN COOMBS**, St. Peter's-hill, Doctors'-commons, London, and Halifax, Nova Scotia, merchant (now a prisoner in the Queen's Prison, Whitecross-street), Sept. 21 at 1, and Oct. 29 at 12, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.—Pet. f. Sept. 7.

**EMIL HARTMANN**, Martin's-lane, Cannon-street, and Little Love-lane, Wood-street, City, and Bedford-terrace, Upper Holloway, Middlesex, general merchant, Sept. 21 and Oct. 22 at half-past 12, London: Off. Ass. Edwards; Sol. Bailey, 8, Tokenhouse-yard, Lothbury.—Pet. f. Sept. 6.

**HENRY SLEEP**, Abbey Wood, Kent, beer-shop keeper, Sept. 23 at half-past 2, and Oct. 22 at 2, London: Off. Ass. Edwards; Sol. Buchanan, 13, Basinghall-street, London.—Pet. f. Sept. 7.

**DANIEL MUNDY**, Westbourne-grove, Bayswater, Middlesex, cook, Sept. 23 at 1, and Oct. 22 at half-past 1, London: Off. Ass. Edwards; Sol. Buchanan, 13, Basinghall-street, London.—Pet. f. Sept. 7.

**THOMAS PRINCE**, Beckford-row, Walworth-road, Surrey, dealer in fancy goods, Sept. 24 at half-past 2, and Oct. 29 at 1, London: Off. Ass. Edwards; Sol. Buchanan, 13, Basinghall-street, London.—Pet. f. Sept. 9.

**EDMUND BARSTOW**, Bradford, Yorkshire, grocer, Sept. 23 and Oct. 18 at 11, Leeds: Off. Ass. Young; Sola. Dawson, Bradford; Bond & Barwick, Leeds.—Pet. d. and f. Aug. 27.

**JAMES GRAY**, Leeds, Yorkshire, joiner, Sept. 23 and Oct. 18 at 11, Leeds: Off. Ass. Young; Sola. Middleton & Son, Leeds.—Pet. d. and f. Sept. 3.

**JOSEPH SHARPLES**, Ardwick, near Manchester, soft soap manufacturer, Sept. 25 and Oct. 25 at 12, Manchester: Off. Ass. Hernaman; Sola. G. & R. W. Marsland, Manchester.—Pet. f. Sept. 5.

**JOHN SMITH**, Fallsworth, near Manchester, manufacturer, Sept. 26 and Oct. 24 at 12, Manchester: Off. Ass. Hernaman; Sola. Cobbett & Wheeler, Manchester.—Pet. f. July 16.

**MOURAT THEOFILIDI**, Manchester, merchant (carrying on business with Nicolas Argiri, of Constantinople, at Manchester, under the firm of M. Theofilidi & Co., and at Constantinople, under the firm of N. Argiri & Co.), Sept. 26 and Oct. 24 at 12, Manchester: Off. Ass. Pott; Sola. Sale & Co., Manchester.—Pet. f. Sept. 6.

#### MEETINGS.

*George Patrick Rooney*, Liverpool, licensed victualler, Sept. 20 at 11, Liverpool, last ex.; Sept. 27 at 11, div.—*W. Matthias Bruster*, Swansea, Glamorganshire, letter-press printer, Oct. 1 at 11, London, aud. ac.—*Robert Read*, Newport, Isle of Wight, tailor, Oct. 8 at 2, London, aud. ac.—*James Martin*, Faversham, Kent, watchmaker, Oct. 8 at 12, London, aud. ac.—*George Henry Hobson*, Upper Ground-street, Blackfriars-road, Surrey, pump manufacturer, Oct. 5 at 11, London, aud. ac.—*Wm. Rayner*, Wellington-street, Southwark, Surrey, billbroker, Oct. 5 at 12, London, aud. ac.—*Wm. Adams*, Red-hill, Surrey, grocer, Oct. 2 at 11, London, aud. ac.—*Joseph Pickering*, Suffolk-street, Mile-end, Middlesex, and Mark-lane, City, manufacturing chemist, Oct. 1 at 11, London, aud. ac.—*John Joseph*, Houndsditch, City, and Alton-terrace, Albion-road, Dalston, Middlesex, importer of foreign goods, Oct. 2 at 11, London, aud. ac. and div.—*Thomas Clapham*, Piccadilly, Middlesex, silversmith, Oct. 2 at 11, London, aud. ac. and div.—*Charles Wakefield*, Torriano-terrace, Kentish-town, Middlesex, dealer in timber, Oct. 2 at 11, London, aud. ac.—*Richard Hooke*, Shoe-lane, City, baker, Oct. 1 at 1, London, aud. ac.—*William Henry Blackmore*, Dean-street, Soho, Middlesex, plumber, Oct. 1 at half-past 1, London, aud. ac.—*Henry Hollands Chambers* and *Frederick Richard Parsons*, Worthing, Sussex, wine merchants, Oct. 3 at 1, London, aud. ac.—*S. Carter*, Fen Stanton, near St. Ives, Huntingdonshire, corn merchant, Oct. 1 at 12, London, aud. ac.—*George Westbury Hall*, Lime-street, City, merchant, Oct. 1 at 11, London, aud. ac.—*John Gearn* and *Frederick Augustus Tarrant*, Bucklersbury, City, auctioneers, Oct. 2 at 2, London, aud. ac.—*James Caudwell*, Southwell, Nottinghamshire, coal merchant, Sept. 26 at 11, Birmingham, aud. ac.; Oct. 10 at 11, div.—*James Wood* the elder, Birmingham, builder, Oct. 25 at 11, Birmingham, aud. ac.—*Frederick Henry Parker* and *John Baldon*, Bristol, wine merchants, Sept. 20 at 11, Bristol, aud. ac.—*Ebenezer Talbott* and *Samuel Grice*, Newnarn, Sydney, Gloucestershire, ironfounders, Sept. 20 at 11, Bristol, aud. ac. sep. est. of *Samuel Grice*.—*J. Edwards*, Bath, Somersetshire, linendraper, Sept. 20 at 11, Bristol, aud. ac.—*James Flowers*, Cheltenham, Gloucestershire, grocer,

Sept. 20 at 11, Bristol, aud. ac.—*Richard Latham* the younger, Bristol, leather dealer, Sept. 20 at 11, Bristol, aud. ac.—*William Brails*, Ricas, Monmouthshire, grocer and brickmaker, Sept. 20 at 11, Bristol, aud. ac.—*Thomas Plumley Derham* and *William Bennett*, Bristol, cabinet makers, Sept. 21 at 11, Bristol, aud. ac. sep. est. of *Thomas Plumley Derham*.—*W. Kerr*, Bath, Somersetshire, hosier, Sept. 26 at 11, Bristol, aud. ac.—*Abraham Chamberlain*, Exeter and Stoke Canon, Devonshire, butcher, Sept. 26 at 12, Exeter, aud. ac.; Oct. 6 at 12, div.—*Richard Pain*, Exeter, Devonshire, and Brighton, Sussex, ironmonger, Sept. 26 at 12, Exeter, aud. ac.; Oct. 8 at 12, div.—*E. Trood* and *E. Trood* the younger, Bridgwater, Somersetshire, grocers, Sept. 26 at 12, Exeter, aud. ac.—*John Dalley*, Starcross, Kenton, Devonshire, innkeeper, Sept. 24 at 12, Exeter, aud. ac.; Oct. 8 at 12, div.—*Frederic Feery*, Exeter, and St. Thomas-the-Apostle, Devonshire, scrivener, Sept. 24 at 12, Exeter, aud. ac.; Oct. 8 at 12, div.—*John French*, Martock, Somersetshire, butter factor, Sept. 24 at 12, Exeter, aud. ac.; Oct. 8 at 12, div.—*George Chant*, Stoke-sub-Hamden, Somersetshire, glove manufacturer, Sept. 24 at 12, Exeter, aud. ac.; Oct. 8 at 12, div.—*Noah Miller*, Sidmouth, Devonshire, builder, Sept. 24 at 12, Exeter, aud. ac.; Oct. 8 at 12, div.—*Edwin Croot*, Exeter, licensed victualler, Sept. 26 at 12, Exeter, aud. ac.—*S. S. Smithson*, Kingston-upon-Hull, provision merchant, Oct. 2 at 12, Kingston-upon-Hull, aud. ac. and div.—*J. Thompson*, Wakefield, Yorkshire, worsted spinner, Sept. 26 at 11, Leeds, aud. ac.—*T. Thomson*, Halifax, Yorkshire, stuff manufacturer, Sept. 26 at 11, Leeds, aud. ac.—*William Wilson*, Thirsk and Northallerton, Yorkshire, currier, Sept. 26 at 11, Leeds, aud. ac.—*R. Henry Hartley*, Halifax, Yorkshire, merchant, Sept. 26 at 11, Leeds, aud. ac.—*John Savile* the younger, Leeds and Wakefield, Yorkshire, manufacturer of patent manure, Sept. 26 at 11, Leeds, aud. ac.—*George Shaw*, Leeds, Yorkshire, ironmaster, Sept. 26 at 11, Leeds, aud. ac.—*George Hoath*, Chesterfield, Derbyshire, builder, Sept. 26 at 10, Sheffield, aud. ac.—*James Napier* the younger, Sheffield, Yorkshire, salt merchant, Sept. 26 at 10, Sheffield, aud. ac.—*Herbert Birks*, Sheffield, Yorkshire, grocer, Sept. 26 at 10, Sheffield, aud. ac.—*John Hickson*, Sheffield, Yorkshire, builder, Sept. 26 at 10, Sheffield, aud. ac.—*Joseph Burrows*, Chesterfield, Derbyshire, cabinet maker, Sept. 26 at 10, Sheffield, aud. ac.—*Jonathan Higginson* and *Richard Deane*, Liverpool, merchants, Sept. 30 at 11, Liverpool, aud. ac.—*Joseph Morrow* and *Robert Thomas Morrow*, Liverpool, shipbrokers, Sept. 25 at 11, Liverpool, aud. ac.—*Henry Sturenberg* and *William Goldenstedt*, Liverpool, shipbrokers, Sept. 25 at 11, Liverpool, aud. ac. joint est., and aud. ac. sep. est. of *Henry Sturenberg*.—*Henry Cole*, Birkenhead, Cheshire, builder, Oct. 2 at 11, Liverpool, aud. ac.—*Joseph Robinson Pim*, Birkenhead, Cheshire, brickmaker, Oct. 4 at 11, Liverpool, aud. ac.—*J. Wreford Hunt*, Liverpool, lamp manufacturer, Oct. 2 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*John Parker Hall*, Liverpool, broker, Oct. 2 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*Joseph Jukes*, Eytton Lodge, near Raabon, Denbighshire, ironmaster, Sept. 30 at 11, Liverpool, aud. ac.—*Thomas Barton*, Liverpool, tanner, Oct. 2 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*Chas. Turmeau*, Liverpool, tobaccoconist, Oct. 2 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*J. Fell*, Liverpool, tea merchant, Oct. 2 at 12, Liverpool, aud. ac.—*Griffith Evans*, Tyn Rhos, near the Valley, Anglesey, corn merchant, Oct. 2 at 11, Liverpool, aud. ac.—*Andrew Froom Birrell*, Liverpool, licensed victualler, Sept. 26 at 11, Liverpool, aud. ac.—*George Pryde*, Liverpool, ship chandler, Sept. 30 at 11, Liverpool, aud. ac.—*John Merson* and *Thomas Breck Ingham*, St. Helens, Lancashire, glass manufacturers, Sept. 30 at 11, Liverpool, aud. ac.; Oct. 2 at 11, div.—*Edward Brown*, Ditton, near Warrington, Lancashire, brewer, Sept. 25 at 11, Liverpool, aud. ac.; Oct. 2 at 11, div.—*Eduard Lyon* and *Joseph Greenwood*, Hutton Quarry, Lancashire, builders, Sept. 24 at 11, Liverpool, aud. ac.—*Henry Elias Moss*, Liverpool, merchant, Sept. 30 at 11, Liverpool, aud. ac.; Oct. 2 at 11, div.—*William Spencer*, Holywell, Flintshire, grocer, Sept. 30 at 11, Liverpool, aud. ac.—*George Golding*, Liverpool, builder, Sept. 30 at 11, Liverpool, aud. ac.—*John Longton*, Liverpool, shipbroker, Sept. 30 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*Charles Brittain*, Bebington, Cheshire, builder, Sept. 30 at 11, Liverpool, aud. ac.—*James Graham*, Liverpool, blue manufacturer, Sept. 30 at 11, Liverpool, aud. ac.; Oct. 2 at 12, div.

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## GAZETTES.—FRIDAY, Sept. 13.

## BANKRUPTS.

**JAMES COOPER**, late of Wootton Bridge, Isle of Wight, miller (omitted in the Gazette of the 10th September), but now a prisoner for debt in Winchester Gaol, Sept. 19 at half-past 12, and Oct. 21 at 12, London: Off. Ass. Pennell; Sols. Buckell, Newport, Isle of Wight; Walker & Jerwood, 12, Fumival's-inn, London.—Pet. f. Aug. 22.

**MANOEL JOAQUIM SOARES** and **AUGUSTO SOARES**, Mark-lane, City, general merchants (carrying on business under the style or firm of M. J. Soares & Sons), Sept. 26 at 1, and Oct. 29 at 2, London: Off. Ass. Edwards; Sols. Van Sandau & Cumming, 18, King-street, Cheapside, London.—Pet. f. Sept. 10.

**JOHN HILLS**, Faversham, Kent, baker, Sept. 24 at 2, and Oct. 29 at half-past 2, London: Off. Ass. Edwards; Sols. Bathurst & Phillips, Faversham, Kent; Lawrance & Co., 14, Old Jewry-chambers, London.—Pet. f. Aug. 30.

**THOMAS HALL**, North End, Fulham, Middlesex, licensed victualler, Sept. 27 at 2, and Oct. 29 at half-past 1, London: Off. Ass. Edwards; Sols. Edmands, 1, New-inn, Strand, London.—Pet. f. Sept. 11.

**JOHN THOMAS MEEK** and **HENRY MARTIN RADLOFF**, Chicksand-street, Whitechapel, Middlesex, oil refiners, Sept. 24 at half-past 2, and Oct. 18 at 2, London: Off. Ass. Edwards; Sols. Norton & Co., 37, Walbrook, London.—Pet. f. Sept. 5.

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**JOSEPH GOODWIN**, Tunstall, Staffordshire, earthenware manufacturer, Sept. 27 and Oct. 25 at 11, Birmingham: Off. Ass. Kinnear; Sol. Smith, Birmingham.—Pet. d. Sept. 9.

**ROBERT EDBROOSE**, Bristol, brightsmith, Sept. 23 and Oct. 28 at 11, Bristol: Off. Ass. Miller; Sol. Ayre, jun., Bristol.—Pet. f. Sept. 10.

## MEETINGS.

*Philip Turner Miller*, Aylesbury, Buckinghamshire, linen-draper, Sept. 24 at 2, London, last ex.—*Thomas J. Moss*, Edgware-road, Hyde-park, Middlesex, jeweller, Oct. 10 at 11, London, aud. ac.—*Joseph Mantua*, Luton, Bedfordshire, jeweller, Sept. 27 at 11, London, aud. ac.; Oct. 9 at half-past 1, div.—*Augustus Wm. Voigt*, Cheltenham, Gloucestershire, dealer in pianofortes, Sept. 26 at 11, Bristol, aud. ac.—*Thomas P. Wilcox* and *Edwin Wilcox*, Bristol, contractors, Sept. 26 at 11, Bristol, aud. ac. sep. est. of *Thomas P. Wilcox*.—*William T. Lloyd*, Llangenulor, Breconshire, miller, Sept. 26 at 11, Bristol, aud. ac.—*John M'Intosh*, Merthyr Tydvil, Glamorganshire, draper, Sept. 26 at 11, Bristol, aud. ac.—*Mark Towle*, Lenton, Nottinghamshire, lace manufacturer, Oct. 3 at 11, Nottingham, aud. ac.—*George Turner*, New Radford, Nottinghamshire, brewer, Oct. 10 at 11, Nottingham, aud. ac.—*Thomas S. Dalton*, *Henry Dalton*, and *Wm. Heap*, Manchester, calico printers, Oct. 1 at 12, Manchester, aud. ac.; Oct. 9 at 11, div.—*Wm. Clayton*, Langcliffe, Yorkshire, *Wm. Clayton*, Lostock, Walton-le-Dale, and *Wm. Wilson*, Preston, Lancashire, bankers, Oct. 9 at 12, Manchester, aud. ac.; Oct. 10 at 12, div.—*John Barnshaw* and *George Barnshaw*, Halifax, Yorkshire, dyers, Sept. 30 at 11, Leeds, aud. ac.—*Richard Wilson*, Leeds, Yorkshire, flax spinner, Sept. 30 at 11, Leeds, aud. ac.—*George Wilson* and *John Wilson*, Heckmondwike, Yorkshire, carpet manufacturers, Sept. 30 at 11, Leeds, aud. ac.—*Henry Clapham*, Liverpool, woollendrapers, Oct. 3 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*Thomas B. Walden*, Liverpool, silk mercer, Oct. 2 at 11, Liverpool, aud. ac.; Oct. 3 at 11, div.—*John Merson* and *Thomas B. Ingham*, St. Helens, Lancashire, glass manufacturers, Oct. 3 at 11, Liverpool, aud. ac. sep. ests., and Oct. 4 at 11, div. sep. est. of *Thomas B. Ingham*.—*Robert Helsby* and *Joseph Helsby*, Garston, Childwale, and Warrington, Lancashire, builders, Oct. 3 at 11, Liverpool, aud. ac., and Oct. 4 at 11, div., sep. est. of *Robert Helsby*.—*Henry Smith* and *Henry Mills*, Chester, newspaper proprietors, Sept. 30 at 11, Liverpool, aud. ac.—*James Reid*, Liverpool, tailor, Oct. 3 at 11, Liverpool, aud. ac.—*Robert Morrow*, *John Morrow*, and *Clarkson Garbutt*, Liverpool, merchants, Oct. 3 at 11, Liverpool, aud. ac.; Oct.

4 at 11, div.—*Thomas Fleming*, Liverpool, merchant, Oct. 3 at 11, Liverpool, aud. ac.; Oct. 4 at 11, div.—*Wm. Smith* and *Robert W. Sinclair*, Pancras-lane, City, linen factors, Oct. 10 at half-past 12, London, div.—*Arthur Duffie Kidd*, Fore-street and Cripplegate-buildings, City, straw-hat manufacturer, Oct. 9 at half-past 12, London, div.—*George Todd* the younger, Cheyne-walk, Chelsea, Middlesex, builder, Oct. 8 at half-past 11, London, div.—*Daniel Pilditch*, Oakley-crescent South, Chelsea, Middlesex, builder, Oct. 7 at 11, London, div.—*Charles Nicholson*, *Edmond Pascal*, and *Wm. Stone*, Cannon-street West, City, warehousemen, Oct. 8 at half-past 12, London, div. joint and sep. ests.—*James Cook* and *Henry Bickerton Greenwood*, Mark-lane, City, wine and spirit merchants, Oct. 8 at 12, London, div.—*Edward Russell Dawnt* and *John Wilson*, Old Broad-street, City, bill brokers, Oct. 7 at 11, London, div.—*Robert Spear Begbie*, Great Winchester-street, City, merchant, Oct. 4 at half-past 1, London, div.—*Joseph Bushell* and *Alfred Walker*, Wood-street, City, and Harpenden, Hertfordshire, straw hat manufacturers, Oct. 7 at 11, London, div.—*Thomas Germain*, Gracechurch-street, City, Italian warehouseman, Oct. 5 at 12, London, div.—*Wm. Henry Smith*, *Henry Wm. Withers*, *C. Wm. Cohen*, and *G. Parason*, Deptford, Kent, coal merchants, Oct. 7 at 11, London, div. joint est., and div. sep. est. of *Wm. Henry Smith*.—*John Yates*, Berry-street, Clerkenwell, Middlesex, mustard manufacturer, Oct. 5 at half-past 11, London, div.—*Joseph B. Behrens*, Coventry-street, Haymarket, Middlesex, dealer in pictures, Oct. 7 at 12, London, div.—*Thomas F. Diamond*, Blue Boar-court, Friday-street, City, warehouseman, Oct. 5 at 11, London, div.—*S. Vagg*, Gower-place, Bedford-square, Middlesex, licensed victualler, Oct. 7 at 1, London, div.—*George Elliott*, Farnham, Surrey, blacksmith, Oct. 5 at 11, London, div.—*Thomas C. Barber*, Gravesend, Kent; *Grays*, Essex; and *Bnfield*, Middlesex, currier, Oct. 5 at half-past 11, London, div.—*I. A. Chomet*, St. James's-street, Westminster, Middlesex, jeweller, Oct. 5 at 11, London, div.—*George Davis*, Southampton, builder, Oct. 7 at 1, London, div.—*George Peffani*, Minorities, City, sailmaker, Oct. 4 at 2, London, div.—*Henry James Norfolk*, Great Yarmouth, Norfolk, builder, Oct. 7 at 1, London, div.—*Edwin Kitt*, Lindfield, Sussex, publican, Oct. 7 at 12, London, div.—*John G. Brett*, Hornchurch, Essex, grocer, Oct. 7 at 12, London, div.—*Samuel W. Moore*, Nottingham, lace manufacturer, Oct. 3 at 11, Nottingham, aud. ac. and div.—*George W. Cave*, Nottingham, bleacher, Oct. 10 at 11, Nottingham, aud. ac. and div.—*Thomas S. Reed*, Derby, silk manufacturer, Oct. 10 at 11, Nottingham, div.—*Terence Fitzpatrick*, Newark-upon-Trent, and *Bernard Fitzpatrick*, Nottingham, travelling drapers, Oct. 10 at 11, Nottingham, div.—*J. Morris*, Feckenham, Worcestershire, needle manufacturer, Oct. 25 at 11, Birmingham, div.—*E. Parkes*, Gloucester, currier, Oct. 10 at 11, Bristol, first and fin. div.—*E. Wetherstone*, Cheltenham, Gloucestershire, plumber, Oct. 10 at 11, Bristol, first and fin. div.—*Thomas P. Dwen*, Woodchester, Gloucestershire, woollen flock dealer, Oct. 10 at 11, Bristol, first and fin. div.—*Charles Pennington*, Manchester, builder, Oct. 10 at 12, Manchester, div.—*James Daniels*, Manchester, iron merchant, Oct. 10 at 12, Manchester, div.—*Wm. Whitaker*, Bradford, Yorkshire, merchant, Oct. 4 at 11, Leeds, div.—*G. Hill*, South Milford, Yorkshire, grocer, Oct. 4 at 11, Leeds, div.—*Henry Binning* and *George Dawson*, Middlesborough, Yorkshire, shipowners, Oct. 4 at 11, Leeds, div.—*James Booth* the younger, Bramley, Yorkshire, worsted manufacturer, Oct. 4 at 11, Leeds, div.—*J. Smith*, Bradford, Yorkshire, stuff manufacturer, Oct. 4 at 11, Leeds, div.—*Thomas Parkinson*, Halifax, Yorkshire, stockbroker, Oct. 4 at 11, Leeds, div.—*Edward Parkin* the elder, Sheffield, Yorkshire, file manufacturer, Oct. 5 at 10, Sheffield, div.—*Wm. Martin*, *Alfred P. Youle*, and *W. R. Reebuck*, Doncaster, Yorkshire, iron manufacturers, Oct. 5 at 10, Sheffield, div. sep. ests. of *Wm. Martin* and *Alfred P. Youle*.—*James M. Martin*, Chesterfield, Derbyshire, ironmonger, Oct. 5 at 10, Sheffield, div.—*George Hartley*, Sheffield, Yorkshire, common brewer, Oct. 5 at 10, Sheffield, div.—*John Parkin* and *Edward Parkin*, Oughty Bridge, near Sheffield, Yorkshire, ironforgers, Oct. 5 at 10, Sheffield, div.—*D. Sillar* and *John C. Sillar*, Liverpool, and Shanghai, China, merchants, Oct. 3 at 11, Liverpool, div.—*John Cubbon*, Liverpool, joiner, Oct. 4 at 11, Liverpool, div.—*Edward L. Baker*, Li-



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THE JURIST.

LONDON, SEPTEMBER 21, 1861.

THE provisions in stat. 1 & 2 Vict. c. 110, ss. 13, 14, which entitle a creditor who obtains a judgment or charging order to the same remedies in a court of equity against the debtor's hereditaments, or the fund affected by the order, as he would be entitled to in case the debtor had by writing agreed to charge the same with the debt and interest, have too often been read as if they gave to the judgment or order the effect of an express charge by the debtor on the hereditaments in which he was interested at the date of the judgment, or on the stock or fund in which he was interested at the date of the charging order, instead of being a charge merely on such interest in the hereditaments or fund as the debtor was entitled to at the time. Even Lord Cottenham fell into that mistake, and, in spite of the discussion which followed his famous dictum in *Whitworth v. Gaugain* (Cr. & Ph. 325; 1 Ph. 728), the true scope and limits of those enactments have since been occasionally misconceived by other eminent judges. Thus, in *Watts v. Porter* (3 El. & Bl. 743), the majority of the judges of the Court of Queen's Bench repeated Lord Cottenham's mistake, and decided that the effect of a charging order on stock held by trustees for the debtor was such as to enable the creditor who obtained it, by giving notice to the trustees, to defeat a prior charge on the stock in favour of another person who had omitted to give notice. We discussed this case at the time (1 Jur., N. S., part 2, pp. 313, 322, 330), and it has since been overruled (*Deacon v. Lord Oxford*, 2 Jur., N. S., part 1, p. 121; 6 De G., Mac., & G. 493; *Kinderley v. Jervis*, 22 Beav. 1; *Scott v. Hastings*, 4 Kay & J. 633). In the case of *Warburton v. Hill* (Kay, 470) the Court seems to have been under the same misapprehension which led astray the Court of Queen's Bench. There a soli-

citor, against whom Wickens, a creditor, had obtained a judgment, assigned to the creditor in 1851 all the costs, charges, expenses, and sums of money due or to become due to him in certain suits. In April, 1853, he obtained an order for the taxation of his costs in the suits, and payment out of funds standing in the Accountant-General's name. In July, 1853, Perrin, another creditor, obtained an order charging the solicitor's interest in the fund in court; and in August in the same year Guildford, a third creditor, obtained a similar order. Both of these orders were duly notified to the Accountant-General as soon as they were obtained. It was stated in evidence, that on the application to make the charging orders absolute at the judge's chambers, Wickens appeared, and made an affidavit, in which his security was set forth. It was contended in argument, that as Perrin had not given notice of his charge to the Accountant-General, he ought to be postponed to the other incumbrancer. The Vice-Chancellor (Sir W. P. Wood) held that Wickens had not lost his priority. "It appears to me," said his Honor, "that the question of notice to the Accountant-General is not material. Looking to the operation of the statute, notice having been acquired by Perrin and Guildford of the prior assignment to Wickens before their charging orders were made absolute, there can be no doubt upon the question of priority of charge." And, after citing and commenting on the enactment, his Honor further said, "The real charge is acquired when the charging order is made absolute, and then it is as though under the hand of the owner of the stock. If, therefore, a creditor goes to his debtor, and he is honest, and says, 'I will give you all I can,' and makes an assignment of the fund in court to him, the creditor is in the same position as if he had obtained a charging order." And his Honor then proceeded to shew, that a person having notice of a prior charge on a trust fund, which had not been notified to the trustee, could not avail himself of the doctrine



of the cases of *Dearle v. Hall* (3 Russ. 1) and *Lovridge v. Cooper* (Id. 30). Now, the decision in favour of Wickens was unquestionably right, but the reasons given for it involved a confusion of the effect of a charge under the statute with that of an express charge by the deed. The statute is not intended to operate unjustly—to take away from an incumbrancer any rights which he has at the time when the statutory charge is imposed—it merely charges in favour of the creditor who obtains the order such interest in the fund as the debtor is at the time beneficially entitled to, and does not charge any interest which the debtor has previously disposed of. The effect of the charging order, therefore, is not the same as that of an assignment by the debtor of the fund in court, but only the same as that of an assignment by the debtor of all such beneficial interest as the debtor has at the time in the fund—a very different thing. In the recent case of *Benham v. Keane* (18th April, 1861, not yet reported) the same learned judge has removed the doubts suggested by his judgment in *Warburton v. Hill*, by deciding, on the most conclusive reasoning, that, in a contest for priority, notice to a judgment creditor is immaterial. There the contest was between two judgment creditors seeking payment out of land in a register county, the judgment which was prior in date not having been registered, and therefore, according to the literal terms of the Registry Act, and also according to the recent authorities, not entitling the creditor to an *elegit*, even as against the debtor himself. For the act (7 Ann. c. 20, s. 18) says, "that no judgment, &c. shall affect or bind any honours, &c. in Middlesex, but only from the time that a memorial of such judgment, &c. shall be entered at the said register office, expressing and containing," &c. It was long thought that this enactment, like those giving priority to registered conveyances, would be inoperative in favour of persons having notice, and the late Vice-Chancellor of England so decided in the case of *Tunstall v. Trappes* (3 Sim. 301), holding that he was bound by the decisions in the cases of *Le Neve v. Le Neve* (3 Atk. 646) and *Davis v. Strathmore* (16 Ves. 419). *Le Neve v. Le Neve*, however, related to a conveyance, and not a judgment; and *Davis v. Strathmore* was a decision on the Docketing Acts. *Tunstall v. Trappes* has been overruled by *Johnson v. Holdsworth* (1 Sim., N. S., 110), *Westbrooke v. Blythe* (3 El. & Bl. 737), and *Hughes v. Lumley* (4 El. & Bl. 274), which have placed the construction of the enactments in the Middlesex and Yorkshire Registry Acts with respect to judgments on the same footing as that of the similarly worded provision in the stat. 1 & 2 Vict. c. 110, s. 19, that judgments which are not registered in the Common Pleas shall be inoperative under that act. If in *Benham v. Keane* the creditor whose judgment was registered had been opposed by a person entitled to a prior charge created by an unregistered document, his registered judgment would not have availed him.

In the province of Upper Canada there is a legislative provision for the registration of assurances, which is borrowed from our Registry Acts, and for the most part expressed in the same terms; but in the revised statutes of that province (22 Vict. c. 89) there is a provision postponing, in express terms, the claim of a purchaser under an unregistered deed to those of subsequent creditors under a judgment which is registered. It is difficult to see the justice or policy of this enactment, the effect of which would be, that a purchaser by an unregistered conveyance in 1860 would be liable to an *elegit* at the suit of a creditor of his vendor under a judgment obtained in 1880. Our own recent legislation has more wisely restrained and limited the lien of judgment creditors.

## THE ARRANGEMENT CLAUSES IN THE NEW BANKRUPTCY ACT.

(From a Correspondent).

By the new Bankruptcy Act there are four modes of arrangement between debtor and creditors provided—two of them after, and two without, an actual bankruptcy. In regard to arrangements without actual bankruptcy, there seems to be but little improvement upon the provisions of the act of 1849. Sects. 192 to 200 are those applicable to these arrangements. Now, although the earlier portion of the former section speaks of a deed between debtor and creditors, relating to several matters, including "the debts or liabilities of the debtor, and his release therefrom," or to "any of such matters," and therefore of a deed relating to the debtor's release from his "debts and liabilities," and to nothing else, this seems overriden by the 197th section, providing that the creditors, in all matters relating to the debtor's estate and effects, shall have the benefit of all the provisions of the act, in the same or like manner as if, the debtor being bankrupt, they had proved on his estate; and that as between themselves and the bankrupt, and against third persons, they are to have the same rights with respect to the debtor's estate as are possessed by creditors in bankruptcy.

Such, at all events, was the effect of the introduction into the 228th section of the act of 1849 of a direction that "joint and separate estates shall be distributed in like manner as in bankruptcy," upon the arrangement by deed clauses contained in that act.

It is submitted that a binding deed under the 192nd section must be to the effect of the model deed prescribed by sect. 200\*.

With regard to the manner in which such a deed will operate, it is to be observed that the debtor, as well as the creditors and trustees, is to have the same rights in respect of his estate as he would have had if a bankrupt. Under the 194th and 195th sections of the act of 1849 he had these rights independent of any consent of his creditors. The numbers of these sections do not appear in Schedule (G.) of the new act, but their provisions seem to be inconsistent with the 109th and 178th sections of the new act, and therefore to be repealed. This being so, the debtor will have no right to an allowance for maintenance, or a percentage on the dividend, unless these be granted to him by resolutions of the creditors, at, it is presumed, meetings duly held for the purpose, after public advertisements. The creditors' assignee in bankruptcy must work gratuitously, but the creditors may appoint a paid manager to assist him. At present many deeds of arrangement are worked on commission by professional accountants, who are themselves the trustees, the deed itself providing for their remuneration. Under the model deed in Schedule (D.) to the new act this course will not be practicable, and it would appear necessary to make a creditor the trustee, the body of creditors empowering him at a meeting to employ an accountant, with remuneration. It would seem, too, that the money received by the trustee must be paid into the Bank to the credit of the accountant in bankruptcy, and that the only practical difference between an arrangement by deed and a

\* [We agree with our correspondent in his conclusion, that the deed must provide for the distribution of all the debtor's estate among all his creditors; but we think that there is no reason for extending the condition of adopting the model deed to cases not within the express purview of the 200th section. The clauses, however, from 192 to 200 inclusive are nearly unintelligible, and must be licked into shape by the courts.]

formal bankruptcy is in the debtor's exemption from amenability to the criminal provisions of the act.

The earlier portions of sect. 110 contemplate the suspension of the proceedings in bankruptcy upon the bankrupt himself making a proposal which shall appear acceptable to the majority in value of the creditors present at the meeting; but the latter part of the section directs that "the estate and effects shall be wound up and administered," and that the bankrupt shall be entitled to apply for his discharge after "having made a full disclosure of his estate." For the reasons above suggested with reference to the 192nd section, it is submitted that under this section a money composition cannot be forced upon an unwilling creditor. It is difficult to see what the object of this section can be: all that can be done under it seems capable of accomplishment under the 185th and following sections.

These last-named sections appear to be more carefully expressed, and to render comparatively unimportant any infelicity in the terms of the other sections referring to arrangements. It is to be observed that this is the only portion of the act giving the Court power to entertain any question as to the reasonableness of a proposed arrangement. Those already spoken of provide for arrangements between the debtor and creditors alone, the Court having nothing to do beyond superintending their execution when called upon. This circumstance goes far to justify the policy of requiring the distribution of the whole of the debtor's estate in every other form of arrangement.

The scheme contained in these sections appears well matured and extremely practicable, and likely to be very frequently adopted. It is worth all the trouble and expectation the country has endured on the subject of bankruptcy reform. It protects any creditor, who may have good cause to resist a debtor's proposal for a whitewash, from being overborne by the debtor's friends into an unreasonable compromise; and more than that, it gives the Court the very important power to deal with the conduct of the bankrupt under the criminal provisions, although the liquidation of the estate may take place out of court.

It gives the Court power to entertain any question arising in the course of carrying out the arrangement, enabling the parties to obtain a judicial solution of the difficulties in a summary manner in the district courts, and without resort to the court in London. It also enables any party to obtain the moderation of the charges of any attorney, auctioneer, or accountant employed in the arrangement, and the proper investigation of the accounts of the liquidators, and of all persons claiming to be creditors of the bankrupt. It, in effect, gives to parties all the opportunities of inquiry, and other facilities which they could have in an ordinary bankruptcy, but leaves the liquidation entirely in the hands of the creditors. It seems that the consent of the debtor is not indispensable to the adoption of this scheme, but it will be the duty of the Court, in considering the deed under sect. 187, to take care, if the bankruptcy is not to be annulled, that it gives the bankrupt the same protection from arrest until he passes his last examination, and means of applying for his order of discharge, as he would have if the bankruptcy proceeded.

### Reprints.

*A Treatise on the Law of Partnership, including its Application to Joint-stock and other Companies. By NATHANIEL LINDLEY, of the Middle Temple, Esq., Barrister-at-Law. In 2 vols. royal 8vo., pp. 1331.*

THE English law of partnership has not been treated

by text-writers with the care and attention which it deserves; and though the work before us is a very meritorious production, and is evidently the work of an able and industrious lawyer, it does not quite to our satisfaction fill the space which we have long noted as vacant in this department of legal literature. In one particular, however, it has an advantage for practical purposes over its predecessors, in being written with especial reference to the constitution and law of companies. There is, indeed, a book intitled "A Treatise on the Law of Joint-stock Companies," by Mr. Wordsworth, but we are not aware that any one has consulted it twice. Mr. Lindley says, "The present work is the result of an attempt to investigate the law of partnership, and to determine the extent to which its principles are applicable to companies. With this view the writer has first examined the principles which govern ordinary partnerships, and has then endeavoured to trace the manner in which these principles have been applied to the various kinds of companies known to the English law. This method is the key to the arrangement of the book, which is, in fact, a treatise not only on the law of partnership in its ordinary acceptation, but also on the law of companies, in so far as the last has any connexion with the first."

The main divisions of the subject are thus arranged:—

Book I. Of contracts of partnership, their creation and dissolution:—Chap. 1. The nature of the contract. 2. The consideration for the contract. 3. The persons capable of entering into the contract. 4. The evidence to prove the existence of a partnership. 5. The formation of companies and proof of membership. 6. Illegal partnerships and companies. 7. The general nature of a partnership—the mercantile and legal notions of a firm. 8. Duration and dissolution of the contract.

Book II. Of the rights and obligations of partnerships and companies as regards non-members:—Chap. 1. Liabilities of partnerships and companies for the acts of their agents. 2. Nature, extent, and duration of the liability of individual members of partnerships and companies to creditors. 3. Of actions and suits between partnerships and companies and non-members.

Book III. Of the rights and obligations of the members of partnerships and companies between themselves:—Chap. 1. Right to take part in the management. 2. Duty to observe good faith. 3. Capital of companies, and calls. 4. Joint and separate property. 5. Shares in partnerships and companies. 6. Contributions and indemnity. 7. Division of profits, and dividends. 8. Accounts. 9. Partnership articles and companies' deeds of settlement. 10. Actions and suits between partnerships and companies and their members, and between members.

Book IV. Dissolution and winding up of partnerships and companies:—Chap. 1. Death. 2. Bankruptcy. 3. Winding up of companies.

It will be seen that the arrangement is good, but in the filling up of the outline we frequently encounter obscurity in expression, and want of strict sequence in exposition. For instance, the following remarks on net and gross profits occur in the text, apropos of nothing, while the practical distinction between profits and gross returns is taken in a foot-note, where it may be easily overlooked:—

"By writers on political economy the word 'profit' is used to denote the difference between the value of advances, and the value of returns made by their employment. Profits are divided by these writers into gross and net—gross profits being the whole of the above difference, and net profits being so much of that difference as is attributable solely to the capital employed.

The remainder of the difference, or, in other words, the gross profits minus the net profits, has no particular name, but it represents the profits attributable to industry, skill, and enterprise."

This is at once obscure and inaccurate. The difference between the value of advances and the value of returns made by their employment cannot include the value of returns attributable, not to the advances, but to industry, skill, and enterprise. The distinction, where a distinction can be made, is between the profits of capital and the wages of management. But a treatise on the law of partnership is not the place for considering any such question, seeing that the English law distinguishes only between gross returns and profits, defining the latter as being the excess of gross returns above expenditure; and Mr. Lindley, after amusing himself by suggesting that losses may be regarded as profits with the negative sign prefixed, proceeds, steadily enough, in these words:—

"The actual or gross returns obtained by advances obviously include profits (in the sense of gain), if profits have been made. But these returns do not include losses, if losses are incurred. Hence persons who share gross returns share profits in the sense of gain, but they do not, by sharing the returns, share losses, for these fall entirely on those making the advances. Moreover, although a division of gross returns is a division of profits, if there are any, it is so only incidentally, and because such profits are included in what is divided; it is not a division of profits as such; and under an agreement for a division of gross returns, whatever is returned must be divided, whether there be profit or loss, or neither. These considerations have led to the distinction in English law between agreements to share profits and agreements to share gross returns; and to the doctrine, that whilst an agreement to share profits creates a partnership, an agreement to share gross returns does not."

In the next paragraph Mr. Lindley undertakes to correct an error, being himself in error:—

"Before, however, proceeding further, it is necessary to caution the reader against an ambiguity in the word 'partnership,' as used by English lawyers. Partnerships are by them divided into partnerships properly so called, and partnerships as regards third persons, which are not partnerships at all, and should never be so styled. What is called a partnership as regards third persons (quasi partnerships) is nothing more than a number of persons who, in consequence of certain acts done by them, are held liable for each other's conduct, as if they had entered into a contract of partnership among themselves." And subsequently he thus explains his notion of quasi partnerships:—"By the law of this country a person who is not a partner incurs liabilities as if he were one, in one or both of the following ways: by sharing profits—by holding himself out as a partner."

To shew that this classification is erroneous, it will be sufficient to cite the author's own description of a partnership at the commencement of his work:—"An agreement that something shall be attempted with a view to gain, and that the gain shall be shared by the parties to the agreement, is the grand characteristic of every partnership, and is the leading feature in every definition of the term." Parting or dividing profits is the essence of partnership, and wherever the right to do so exists, the parties having that right are partners. This is the inflexible rule of the English law; and when any of the incidents which the law annexes to such an agreement are removed by the agreement of the persons competent to dispense with them, an anomaly is introduced pro tanto, and the case ought to be regarded, not as a quasi partnership, but as a true partnership modified by agreement. It is not

true that in such cases the persons who agree to share profits are partners only as regards third persons—they are partners as between themselves, for all purposes and with all consequences save those which are expressly excluded by the special terms of the contract; and any other view of their position is imperfect and erroneous.

In the chapter on the general nature of a partnership Mr. Lindley notices a distinction between the legal and mercantile notions of the status of a partnership; which, however, we think does not exist to the extent insisted on; for there can be no doubt that mercantile men have a tolerably accurate notion of the general principles of the law which affects their transactions, and do not, except for the convenience of accounts and bookkeeping, recognise as realities rights and liabilities which the law will not enforce. Nor is it true that "the firm, as such, has no legal recognition." The firm is recognised by law as the partnership, consisting, no doubt, of individuals, every one of whom must, in ordinary cases, be personally before the Court; but still the Courts regard the partnership as a collective entity, distinct from the several members; and for most purposes the mercantile notion of a firm is very nearly identical with the legal conception of a partnership.

In conclusion, although, as we have suggested, the work, as a scientific treatise, is not so strong and accurate as could be wished, it will be found to be a convenient and trustworthy guide in practice.

Liverpool, shipbroker, Oct. 4 at 11, Liverpool, div.—*H. Matheson*, Liverpool, merchant, Oct. 7 at 11, Liverpool, div.—*R. W. Kirkus*, Walton-on-the-Hill, near Liverpool, chemist, Oct. 7 at 11, Liverpool, div.—*John Scott* the younger and *Richard W. Percoll*, Liverpool, tea merchants, Oct. 7 at 11, Liverpool, div.—*Joseph Edward Bloch*, Liverpool, shipbroker, Oct. 7 at 11, Liverpool, div.—*Thomas Hindle*, Everton, near Liverpool, builder, Oct. 7 at 11, Liverpool, div.

#### CERTIFICATIONS.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*John Rice*, Lupus-street, Belgrave-road, Pimlico, Middlesex, butcher, Oct. 10 at 1, London.—*Isaac Antoine Chomet*, St. James's-street, St. James's, Westminster, jeweller, Oct. 5 at 11, London.—*John Alexander Mowat*, Crawford-street, St. Marylebone, Middlesex, shoemaker, Oct. 5 at 11, London.—*John Geo. Andrews*, Charles-street, Hatton-garden, Middlesex, licensed victualler, Oct. 4 at half-past 11, London.—*Joseph Pefferd*, Ferdinand-place, Hampstead-road, Middlesex, smith, Oct. 4 at 12, London.—*Thomas Germain*, Gracechurch-street, City, Italian warehouseman, Oct. 4 at 1, London.—*John Joseph Ross*, Duke-street, Manchester-square, Middlesex, ecclesiastical repository, Oct. 4 at 1, London.—*Fred. Rundall*, Muscovy-court, Tower-hill, wine merchant, Oct. 4 at half-past 1, London.—*A. Chamberlain*, Exeter and Stoke Canon, Devonshire, butcher, Oct. 8 at 12, Exeter.—*Henry Parkin*, Plymouth, Devonshire, tea dealer, Oct. 7 at half-past 12, Plymouth.—*Patrick M'Carthy*, Manchester, rag dealer, Oct. 10 at 12, Manchester.—*George Smeaton*, Batley, Yorkshire, rag merchant, Nov. 4 at 11, Leeds.—*Wm. Sergeant*, Kingston-upon-Hull, builder, Nov. 6 at 12, Kingston-upon-Hull.—*Stephen Storry Smithson*, Kingston-upon-Hull, provision merchant, Nov. 6 at 12, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*Geminiano Zanni*, King-street, Holborn, Middlesex, optician.—*Edward Coe*, Warwick-street, Pimlico, Middlesex, tailor.—*Thomas William Pybus*, Lawrence Pountney-lane, City, timber merchant.—*Alexander Wickens* and *Samuel Palmer*, Mark-lane, City, and Deptford, Kent, manufacturers of ivory black.—*Charles M'Loughlin*, Cheltenham, Gloucestershire, gunmaker.—*W. Mellor*, Alderley, Cheshire, butcher.

#### PETITION ANNULLED.

*William Brownwood Chorley*, Tachbrook-street, Pimlico, Middlesex, gentleman.

TUESDAY, Sept. 17.

BANKRUPTS.

STEPHEN BACON, Northampton-place, Old Kent-road, Surrey, corn merchant, Sept. 27 at 12, and Oct. 28 at half-past 11, London: Off. Ass. Pennell; Sol. Keen, 77, Lower Thames-street, City.—Pet. f. Sept. 18.

WILLIAM GREEN, Bear-lane, Blackfriars-road, Surrey, carman, Sept. 28 at 12, and Oct. 28 at 1, London: Off. Ass. Pennell; Sol. Howard, Quality-court, Chancery-lane.—Pet. f. Sept. 16.

CHARLES EDWARD ALFORTH, Barnes, Surrey, timber dealer, Sept. 28 at 12, and Oct. 29 at half-past 2, London: Off. Ass. Edwards; Sols. White & Sons, Bedford-row, London; Wood, Bristol.—Pet. f. Sept. 12.

HARPLEY JOHN MAYES, Stoke Ferry, Norfolk, cattle dealer, Sept. 28 at half-past 12, and Nov. 1 at 1, London: Off. Ass. Edwards; Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury, London.—Pet. f. Sept. 9.

GEORGE PENTON, Basingstoke, Hampshire, maltster, Sept. 27 at half-past 2, and Nov. 1 at 2, London: Off. Ass. Edwards; Sols. Lamb & Co., Basingstoke, Hampshire; Johnson & Weatheralls, Temple, London.—Pet. f. Sept. 7.

DAVID RAMSAY, late of Melbourne, colony of Victoria, and now residing at Forest Hill, Kent, merchant, Sept. 27 at 1, and Nov. 1 at 12, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 7, Walbrook, City.—Pet. f. Sept. 13.

JOHN MASSEY, Newcastle-under-Lyme, Staffordshire, grocer, Sept. 30 and Oct. 21 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hodgson & Allen, and Dutton, Birmingham.—Pet. d. Sept. 14.

ALFRED BLOW, Birmingham, mill-band maker, Sept. 27 and Oct. 25 at 11, Birmingham: Off. Ass. Whitmore; Sol. Duke, Birmingham.—Pet. d. Sept. 13.

JOHN BANFIELD, Handsworth, Staffordshire, organ builder, Sept. 27 and Oct. 25 at 11, Birmingham: Off. Ass. Kinnear; Sols. Harrison & Wood, Birmingham.—Pet. d. Sept. 14.

WILLIAM GREATORREX, Leicester, shoe manufacturer, Oct. 3 and 24 at 11, Nottingham: Off. Ass. Harris; Sol. Pike, Leicester.—Pet. d. Sept. 12.

WILLIAM CONWAY JAMES, Llanvachreva Lower, Monmouthshire, tin-plate manufacturer, Oct. 1 and 30 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Co., Bristol.—Pet. f. Aug. 27.

HENRY CLEMENT HEARD, Bridgwater, Somersetshire, newspaper proprietor, Oct. 1 and 29 at 12, Exeter: Off. Ass. Hirtzel; Sols. Smith, Bridgwater; Turner & Hirtzel, Exeter.—Pet. f. Sept. 12.

JOHN MILLS HASSALL, Huddersfield, Yorkshire, cloth finisher (trading under the style of Joseph Shaw & Co.), Sept. 27 and Nov. 4 at 11, Leeds: Off. Ass. Hope; Sols. Jessop, Huddersfield; Bond & Barwick, Leeds.—Pet. d. Sept. 10.

WILLIAM FARBON, Horncastle, Lincolnshire, miller, Oct. 2 and 30 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Bean, Boston.—Pet. d. Sept. 9.

AARON FIELDING, Glossop, Derbyshire, grocer, Oct. 1 and 29 at 12, Manchester: Off. Ass. Harnaman; Sol. Reddish, Manchester.—Pet. f. Sept. 10.

JOHN PLATT, Oldham, Lancashire, furniture dealer, Oct. 1 and 29 at 12, Manchester: Off. Ass. Fraser; Sols. G. & R. W. Marsland, Manchester.—Pet. f. Sept. 4.

MEETINGS.

Nathan Aaron Joseph, Vine-street, Minorities, City, importer of foreign goods, Oct. 2 at 11, London, aud. ac.; Oct. 10 at 1, div.—John Coras Smith, King William-street, City, jeweller, Oct. 2 at half-past 11, London, aud. ac.—John Edward Elyford, Cumberland-place, Bayswater, Paddington, Middlesex, grocer, Oct. 2 at 12, London, aud. ac.—Thomas Pugh Jones, Toxteth-park, near Liverpool, and Liverpool, shoe manufacturer, Sept. 27 at 11, Liverpool, aud. ac.; Oct. 8 at 11, div.—Daniel Robert Richards, Birkenhead, Cheshire, shoe manufacturer, Oct. 3 at 11, Liverpool, aud. ac.—John Hill and William Hill, Nottingham, coal merchants, Sept. 28 at 11, Nottingham, aud. ac.—William Matthias Bruster, Swansea, Glamorganshire, letter-press printer, Oct. 9 at 11, London, div.—James Alfred Axtell, William Rudd Knights, and William Axtell, White's-grounds, Bermondsey, Surrey, and St. Neots, Huntingdonshire, tanners, Oct. 9 at half-past 11, London, div.—William Bound the younger, Hanworthy, Poole, corn merchant, Oct. 9 at 12, London, div.—Thomas Newman, Hindolveston, Norfolk, general-shop keeper, Oct. 10 at 11, London, div.—Henry

Norris and William Norris the younger, Mare-street, Hackney, Middlesex, builders, Oct. 10 at 12, London, div.—Arthur Smith, Paragon-buildings, New Kent-road, Surrey, engineer, Oct. 12 at 11, London, div.—Thomas Tucker the younger, Strand, and Essex Works, Water-street, Strand, Middlesex, lamp manufacturer, Oct. 12 at 12, London, div.—Edward John Heard and James John Walter, Norway-wharf, Wapping-wall, Middlesex, packing-case manufacturers, Oct. 10 at 12, London, div. joint est., and div. sep. est. of E. J. Heard.—Maurice Montefiore Joseph and Ludovick Carmichael, Calcutta, East Indies, and Liverpool, merchants, Oct. 9 at 12, London, div. sep. est. of M. M. Joseph.—Susan Catherine Harrison, Ipswich, Suffolk, innkeeper, Oct. 10 at half-past 12, London, div.—John Gurney Mason, Stamford, Lincolnshire, ironmonger, Oct. 10 at 12, London, div.—James Smith, Macclesfield-street, City-road, Middlesex, carman, Oct. 10 at half-past 11, div.—William Cash, High-street, Portland-town, Middlesex, and Peterborough, Northamptonshire, grocer, Oct. 10 at 12, London, div.—Isaac Brown, Philpot-lane, City, wine merchant, Oct. 10 at half-past 11, London, div.—John Large, Upton, Berkshire, cattle salesman, Oct. 9 at 1, London, div.—George Hennet, Duke-street, Westminster, Middlesex, and Bristol, and Bridgewater, Somersetshire, and Plymouth and Teignmouth, Devonshire, railway contractor, Oct. 9 at 12, London, div.—George Horsey, Southampton, gasfitter, Oct. 10 at half-past 11, London, div.—James Frederick Ingledew, Brighton, Sussex, coal merchant, Oct. 10 at 11, London, div.—William Porteous, Brighton, Sussex, linendraper, Oct. 8 at 11, London, div.—Jas. Herbert Smith, Wyld's-rents, Bermondsey, Surrey, tanner, Oct. 8 at 12, London, div.—Edward Herring, Trinity-street, Southwark, Surrey, manufacturing chemist, Oct. 9 at 12, London, div.—Joseph Chadwick, Augustus-street, Regent's-park, Middlesex, stone merchant, Oct. 8 at 12, London, div.—James Thomas, Abingdon, Berkshire, builder, Oct. 8 at half-past 11, London, div.—Lewis Powell, Chapel-place, Cavendish-square, Middlesex, builder, Oct. 8 at 11, London, div.—Frederick Francis Fox, Fenchurch-street, City, tailor, Oct. 8 at 11, London, div.—Charles M'Loughlin, Cheltenham, Gloucestershire, gun maker, Oct. 10 at 11, Bristol, div.—Jas. Rogerson, East Hartlepool, Durham, linendraper, Oct. 10 at 12, Newcastle-upon-Tyne, fin. div.—James William Gregory, Halifax, Yorkshire, grocer, Oct. 11 at 11, Leeds, div.—Major Gluckstein, Leeds, Yorkshire, tobacconist, Oct. 8 at 11, Leeds, div.—David Appleyard, T. Wigglesworth, John Egerton, and Ebenezer Clegg, Leeds, Yorkshire, machine makers, Oct. 10 at 12, Leeds, div.—S. Lees, Meltham, Almondbury, Yorkshire, grocer, Oct. 10 at 12, Leeds, div.—Jonathan Hainsworth, Halifax, Yorkshire, plumber, Oct. 8 at 11, Leeds, div.—Thomas Gomlay, Bradford, Yorkshire, draper, Oct. 8 at 11, Leeds, div.—Joseph Hamerton, Shibden, Yorkshire, worsted manufacturer, Oct. 8 at 11, Leeds, div.—Arthur Jackson and Richard Michels Eastman, Liverpool, brokers, Oct. 7 at 12, Liverpool, div. sep. est. of Richard Michels Eastman.—Edward Heathcote, Rock Ferry, Cheshire, grocer, Oct. 7 at 12, Liverpool, div.—James Broadbent Herbert and Edward Hindley, Liverpool, coal factors, Oct. 7 at 12, Liverpool, div. sep. est. of Edward Hindley.—Thomas Irlam and Vincent Wanstrocht, Liverpool, brokers, Oct. 7 at 12, Liverpool, div. sep. est. of Thomas Irlam.—William Fawcett, Liverpool, merchant, Oct. 7 at 12, Liverpool, div.—John Andrew Christian Reimann and John Gerard Geller, Liverpool, merchants, Oct. 7 at 12, Liverpool, div.—Raines Waite Appleton, Liverpool, merchant, Oct. 7 at 12, Liverpool, div.—John Merson and Thomas Breck Ingham, St. Helena, Lancashire, glass manufacturers, Oct. 8 at 11, Liverpool, div. sep. est. of John Merson.—Charles Brittain, Beblington, Cheshire, builder, Oct. 8 at 11, Liverpool, div.—Joseph R. Pim, Birkenhead, Cheshire, brickmaker, Oct. 8 at 11, Liverpool, div.—Hugh Mackay and Wm. Bishton Davies, Liverpool, shipwrights, Oct. 8 at 11, Liverpool, div. sep. est. of Hugh Mackay.—Enoch Fairhurst, Ormskirk, Lancashire, grocer, Oct. 8 at 11, Liverpool, div.—John Mossop, Liverpool, provision dealer, Oct. 8 at 11, Liverpool, div.—James Morrison and Lars Oscar Abelin, Liverpool, ship chandlers, Oct. 8 at 11, Liverpool, div.—John Wilkinson, Brymbo, Denbighshire, ironmaster, Oct. 7 at 12, Liverpool, div.—Henry Davies and Wm. Davies, Liverpool, sharebrokers, Oct. 7 at 12, Liverpool, div.—John Unwin, Seacombe, Cheshire, baker, Oct. 7 at 12, Liverpool, div.

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**MARY ANN BELLFORD**, late of Freemantle, Southampton, and since of Southampton, innkeeper, Oct. 1 at half-past 11, and Nov. 4 at 1, London: Off. Ass. Pennell; Sols. Howard & Co., 66, Paternoster-row, London.—Pet. f. Sept. 19.

**THOMAS SHACKELL**, Bristol, woollen merchant, Sept. 30 and Oct. 30 at 11, Bristol: Off. Ass. Miller; Sol. Miller, Bristol.—Pet. f. Sept. 18.

**JOHN TALL**, Kingston-upon-Hull, tar and turpentine distiller (trading under the firm of John Tall & Co.), Oct. 3 and 30 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. England & Co., Hull.—Pet. d. Sept. 5.

**RICHARD JEFFRIES**, Chapel-en-le-Frith, Derbyshire, bleacher, Oct. 4 and Nov. 6 at 12, Manchester: Off. Ass. Fraser; Sols. Cobbett & Wheeler, Manchester.—Pet. f. Sept. 18.

**WILLIAM JEPSON and DENIS PICKUP**, Blackburn, Lancashire, cotton manufacturers (under the style or firm of Jepson & Pickup), Oct. 4 and Nov. 1 at 12, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Pet. f. Sept. 13.

**FRANCIS MATTLAND**, Newcastle-upon-Tyne, grocer, Oct. 2 at half-past 11, and Oct. 30 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. J. & R. S. Watson, or Armstrong, Newcastle-upon-Tyne.—Pet. f. Sept. 13.

## MEETINGS.

*Alexander P. Standing and Charles Petrie Standing*, Boxbdale, Lancashire, brassfounders, Oct. 8 at 12, Manchester, last ex. sep. est. of *Charles Petrie Standing*.—*Charles Moody*, Portsea, Southampton, edge-tool manufacturer, Oct. 5 at 11, London, aud. ac.—*Robert S. Begbie*, Great Winchester-street, City, merchant, Oct. 2 at 11, London, aud. ac.—*Thomas G. James*, River-street, Myddleton-square, Middlesex, builder, Oct. 1 at half-past 11, London, aud. ac.—*F. Rundall*, Muscovy-court, Tower-hill, wine merchant, Oct. 3 at 12, London, aud. ac.—*Joseph Barnett Behrens*, Coventry-street, Haymarket, dealer in pictures, Oct. 2 at 11, London, aud. ac.—*James Smith*, Macclesfield-street, City-road, Middlesex, carman, Oct. 2 at 11, London, aud. ac.—*J. Bushell and Alfred Walker*, Wood-street, City, and Harpenden, Hertfordshire, straw hat manufacturers, Oct. 1 at 11, London, aud. ac.—*Wm. Smith and Wm. F. Patient*, Bermondsey New-road, Surrey, tanners, Oct. 1 at 11, London, aud. ac. joint est., and aud. ac. sep. est. of *Wm. Smith*.—*Wm. Smith*, Hemel Hempstead and Watford, Hertfordshire, banker, Oct. 1 at 11, London, aud. ac.—*Edward R. Daunt and John Wilson*, Old Broad-street, City, bill brokers, Oct. 1 at half-past 11, London, aud. ac.—*Wm. Adam*, Great Tower-street, City, merchant, Oct. 1 at 12, London, aud. ac.—*David K. Mauer*, Fetter-lane, City, wine merchant, Oct. 3 at 12, London, aud. ac.—*John Joseph Ross*, Duke-street, Manchester-square, Middlesex, carver in wood, Oct. 3 at 12, London, aud. ac.—*Thomas F. Diamond*, Blue Boar-court, Friday-street, Cheapside, City, warehouseman, Oct. 3 at 11, London, aud. ac.—*Henry James Norfor*, Great Yarmouth, Norfolk, builder, Oct. 3 at 11, London, aud. ac.—*Thomas Germain*, Gracechurch-street, City, Italian warehouseman, Oct. 3 at 12, London, aud. ac.—*Henry Van Gelder*, Crutched-frisars, City, merchant, Oct. 3 at 11, London, aud. ac.—*John Yates*, Berry-street, Clerkenwell, Middlesex, mustard manufacturer, Oct. 3 at half-past 11, London, aud. ac.—*George Peggitt*, Minorities, City, sailmaker, Oct. 2 at 12, London, aud. ac.—*J. B. Gough*, Sheberton-street, Liverpool-road, Islington, Middlesex, timber merchant, Oct. 2 at half-past 11, London, aud. ac.—*Thomas C. Barber*, Gravesend, Kent; Grays, Essex; and Enfield, Middlesex, carrier, Oct. 3 at half-past 11, London, aud. ac.—*John Phedy*, Brudenell-place, New North-road, Shoreditch, Middlesex, dealer in hams, Oct. 2 at 12, London, aud. ac.—*Isaac Antoine Chomel*, St. James's-street, Westminster, jeweller, Oct. 3 at 11, London, aud. ac.—*Mark Feltham*, West Winch, Norfolk, miller, Sept. 30 at half-past 1, London, aud. ac.—*John Everett*, Little Ilford, Essex, carpenter, Sept. 30 at 1, London, aud. ac.—*Edward Henry*

*Gregory and Lesley Alexander Gregory*, Great St. Helena, City, African merchants, Sept. 30 at 12, London, aud. ac.—*J. Pattison*, Coombe Bissett, Willahire, licensed victualler, Sept. 30 at 1, London, aud. ac.—*Joseph Thickbroom*, Paternoster-row, City, bookseller, Sept. 30 at half-past 1, London, aud. ac.—*Thomas Culleton*, Cranbourne-street, Leicester-square, Middlesex, engraver, Sept. 30 at 1, London, aud. ac.—*John Liveridge*, Tabernacle-walk, Shoreditch, and Devon-villas, Buckingham-road, De Beauvoir-town, Middlesex, wheelwright, Sept. 30 at half-past 12, London, aud. ac.—*Charles Webb*, Drury-lane, and Crisp-street, Poplar, Middlesex, general salesman, Sept. 30 at 12, London, aud. ac.—*Henry Henson Henson*, Watford, Hertfordshire, contractor, Sept. 30 at half-past 12, London, aud. ac.—*James Randall*, Byfleet, near Cobham, Surrey, victualler, Sept. 30 at half-past 11, London, aud. ac.—*Robert Patch*, Lewisham, Kent, grocer, Sept. 30 at half-past 12, London, aud. ac.—*George Barnett*, Felix-terrace, Liverpool-road, Islington, Middlesex, butcher, Sept. 30 at 11, London, aud. ac.—*Edward Simons*, Newgate-street, City, and Birmingham, lamp dealer, Sept. 30 at 11, London, aud. ac.—*John Axel Tuleen*, Fenchurch-st., City, insurance broker, Sept. 30 at 12, London, aud. ac.—*James Caudwell*, Southwell, Nottinghamshire, coal merchant, Sept. 26 at 11, Nottingham (and not Birmingham, as previously advertised), aud. ac.; Oct. 10 at 11, div.—*Henry Parkin*, Plymouth, Devonshire, tea dealer, Oct. 7 at half-past 12, Plymouth, aud. ac.—*Thomas Irlam and Vincent Wanoostrocht*, Liverpool, brokers, Oct. 1 at 11, Liverpool, aud. ac. sep. est. of *Thomas Irlam*.—*Arthur Jackson and Richard Michell Eastman*, Liverpool, brokers, Oct. 1 at 11, Liverpool, aud. ac. sep. est. of *Arthur Jackson*.—*Andrew Todd Paterson and John Michael Malonek*, Liverpool, merchants, Oct. 1 at 11, Liverpool, aud. ac.—*Charles William Leete*, Liverpool, furniture dealer, Oct. 7 at 11, Liverpool, aud. ac.—*William Henry North*, Liverpool, grocer, Oct. 8 at 11, Liverpool, aud. ac.; Oct. 11 at 11, div.—*John Chorley*, Liverpool, merchant, Oct. 1 at 11, Liverpool, aud. ac.—*Gm. Keilar*, Liverpool, timber merchant, Oct. 1 at 11, Liverpool, aud. ac.—*Wm. Fawcett*, Liverpool, merchant, Oct. 1 at 11, Liverpool, aud. ac.—*Richard Foster Bredt and William Eccleston*, Liverpool, merchants, Oct. 1 at 11, Liverpool, aud. ac.—*Raines Wayte Appleton*, Liverpool, merchant, Oct. 1 at 11, Liverpool, aud. ac.—*Joseph Deany*, Birkenhead, Cheshire, eating-house keeper, Oct. 1 at 11, Liverpool, aud. ac.—*Thomas Hastings Irwin*, Southport, Lancashire, share broker, Oct. 1 at 11, Liverpool, aud. ac.—*Henry Dodd*, Liverpool, dealer in paper hangings, Oct. 1 at 11, Liverpool, aud. ac.—*Henry Davies and Wm. Davies*, Liverpool, stock brokers, Oct. 1 at 11, Liverpool, aud. ac.—*Edward Heathcote*, Rock Berry, grocer, Oct. 1 at 11, Liverpool, aud. ac.—*John Andrew Christian Reimann and John Gerard Gellar*, Liverpool, merchants, Oct. 1 at 11, Liverpool, aud. ac.—*S. Wharton*, Hartford, Cheshire, wine merchant, Oct. 1 at 11, Liverpool, aud. ac.—*John Unwin*, Seacombe, Cheshire, baker, Oct. 1 at 11, Liverpool, aud. ac.—*George Forster*, Liverpool, stock broker, Oct. 7 at 11, Liverpool, aud. ac.—*James Mackay*, Liverpool, timber merchant, Oct. 1 at 11, Liverpool, aud. ac.—*Joseph Holroyd*, Winterton, Lincolnshire, chemist, Oct. 2 at 12, Kingston-upon-Hull, aud. ac.—*Allen Wood*, Lindley, Huddersfield, woollen-cloth manufacturer, Oct. 1 at 11, Leeds, aud. ac.—*W. Gibson*, Leeds, provision merchant, Oct. 1 at 11, Leeds, aud. ac.—*W. Procter*, New Wortley, Leeds, joiner, Oct. 1 at 11, Leeds, aud. ac.—*Thomas Parkinson*, Halifax, Yorkshire, share broker, Oct. 3 at 11, Leeds, aud. ac.—*James Booth the younger*, Bramley, Yorkshire, worsted manufacturer, Oct. 3 at 11, Leeds, aud. ac.—*Henry Binning and George Dawson*, Middlesbrough, Yorkshire, shipowners, Oct. 3 at 11, Leeds, aud. ac.—*John Smith*, Bradford, Yorkshire, stuff manufacturer, Oct. 3 at 11, Leeds, aud. ac.—*Wm. Whitaker*, Bradford, Yorkshire, merchant, Oct. 3 at 11, Leeds, aud. ac.—*George Hill*, South Milford, Yorkshire, grocer, Oct. 3 at 11, Leeds, aud. ac.—*Major Gluckstein*, Leeds, tobacconist, Oct. 7 at 11, Leeds, aud. ac.—*Thomas Gourlay*, Bradford, Yorkshire, draper, Oct. 7 at 11, Leeds, aud. ac.—*Joseph Hamerton*, Shibden, Yorkshire, worsted manufacturer, Oct. 7 at 11, Leeds, aud. ac.—*Jonathan Hainsworth*, Halifax, Yorkshire, plumber, Oct. 7 at 11, Leeds, aud. ac.—*Samuel Lees*, Meltham, Almondsbury, Yorkshire, grocer, Oct. 10 at 11, Leeds, aud.

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## THE JURIST.

LONDON, SEPTEMBER 28, 1861.

COURTS of justice are established for the purpose of solving questions which actually and bonâ fide are brought before them for the purpose of obtaining a decision which will, whatever may be the result, unless reversed by the judgment of a higher tribunal, be binding upon the litigant parties. Courts of justice are not bound to decide, and will not decide, merely fictitious cases; they will not permit the tricks of the stage to be played on the judicial forum. However ardent might be the desire of two ingenious conveyancers to have a knotty point of real property law decided, no Courts would entertain the question if they were aware that the actors in the proceedings were merely imaginary, the facts fictitious, and that the whole suit was taken, not from real life, but was a mere scene, got up to gratify the impertinence of learned curiosity.

Moreover, although the facts of a case brought before the Court be true, the plaintiff must not appear in a fictitious character, for, when discovered, he will not be allowed to obtain that relief to which he might have been entitled had his character been real, and not assumed. To no class of suits, perhaps, do these remarks more forcibly apply than to those relating to public companies. In a proper case one shareholder is allowed to institute a suit on behalf of himself and the other shareholders of a company; but, *ex necessitate*, that constructive representation of one

can only with propriety be allowed when the suit is intended to be bonâ fide for the benefit of those whom the plaintiff represents; otherwise nothing would be easier than for a person having a large stake in one company to obtain a small interest in another, and institute a suit ostensibly to obtain relief as a member of the latter company, when in reality it was intended merely to subvert the interests of its rival, and obtain for it indirectly, and under a false character, what such rival company could not obtain if it were to appear as plaintiff in its true colours. The mere fact that a person has a share in one company is not, of itself alone, enough to enable him to sustain a suit nominally on behalf of the other shareholders, when he in reality is acting for and on behalf of the interests of another company.

These principles have been clearly laid down and acted upon by the Lord Chancellor in the recent case of *Forrest v. The Manchester, Sheffield, and Lincolnshire Railway Company* (7 Jur., N. S., part 1, p. 887). There it appeared that the plaintiff, a Mr. Forrest, suing on behalf of himself and the other shareholders, instituted a suit against the defendants, the Manchester, Sheffield, and Lincolnshire Railway Company, to obtain an injunction against their employing certain steam-boats (which they were obliged to keep for the purposes of a ferry on the river Humber) in excursion trips down the river. The bill alleged not only that these excursions were ultra vires, but were also greatly prejudicial to a certain steam-packet company, called "The Gainsborough United Steam-packet Company, Limited," of which the plaintiff was a large



shareholder. The defendants submitted that the suit was not for the benefit of the other shareholders of the company on whose behalf the plaintiff sued, but was instituted solely to promote and serve the interests of the steam-packet company, and that all the other shareholders of the defendants' company were opposed to the suit.

The motives which actuated the plaintiff in filing the bill, which to a certain extent are frankly stated in the bill, appear in rather an amusing and somewhat complex form in his cross-examination. In the first place, he admitted that his interest in the packet company was much greater than his interest in the railway company. He admitted that the excursion traffic had been continued for eight or ten years. One objection he had to the excursion traffic was, that *the boats were running on Sundays, which he disapproved of from a moral and religious feeling*. His principal objection, however, was to the injury done to the packet company, of which he was a director. *The directors of the packet company had "directed" the institution of the suit, and indemnified him against the costs*. Sir J. Romilly, M. R., dismissed the bill, with costs, upon the ground that what had been done was within the scope and powers of the defendants. Upon an appeal to the Lord Chancellor, his Lordship, but on entirely different grounds to those upon which the Master of the Rolls founded his judgment, refused the application, with costs. "I have nothing to do," said his Lordship, "with the motives of men suing in this court. If they come here in a bonâ fide character, the reason for their coming here is a matter beyond the province of a court of justice to inquire into. But if a man comes here representing to me that he is a bonâ fide shareholder in a company, and that it is the bonâ fide suit of that company, and it turns out not to be the suit of that company, but in reality to be in its origin, and in its very birth and creation, the suit of another company, then, I repeat, that is an illusory proceeding, and ought not to be attended to by the Court. The well-known words, the trite quotation, will occur to the minds of those who hear me—*Fabula non est iudicium, in scenâ non in foro res agitur*." If the plaintiff be permitted to assume, merely for the purpose of coming into this court, the garb of a shareholder, but at the same time explicitly announces—'This suit is not directed to the purposes of that company; I have nothing in common with the shareholders of that company; it has not emanated from the wish of the shareholders; it does not emanate from me as a shareholder; it is not my act; I am directed to do it by another party and another body of men'—then, in point of fact, the suit is not the expression of his own will, nor is it the legitimate prosecution of his own interests or his own objects, but it is the prosecution of the interests and objects of persons who have no right whatever to invoke the interference of this Court. It is most desirable that suits in this court should really be that which they profess to be, and whenever they are found to be illusory proceedings of the character I have described, I hold it the bounden duty of the Court to treat them as a mockery, and an imposition on the Court, and to deal with them accordingly." We entirely agree with the principles laid down by the Lord Chancellor in this important judgment, and we think that much good will result from their being carried out on all occasions to their fullest extent. Their application may not be devoid of difficulties in many instances, because, in cases of large companies, where directors, and perhaps a large and influential body of their supporters, are doing all in their power to divert the capital of the company from its legitimate purposes, and to employ it in speculations which were never intended upon its formation, it is

but just that individual shareholders should have perfect freedom of action, and should have power, even though possessing shares in a rival company, to come into a court of equity, and ask for an injunction to restrain the directors from such misemployment of the capital of the company; but if they are really only agents of another company, then the mere possession of shares in the company against which they seek relief should not give them a right to it.

The case before the Lord Chancellor, both upon the pleadings and on the cross-examination, was a very clear one. The plaintiff's interest in the rival company, from his holding a larger stake in it than in the other, was evident. The suit was directed by the rival company, and the plaintiff was indemnified by them against costs, so that he could indulge in the luxury of litigation without dread of the usual and greatest drawback to its enjoyment. The principles laid down by the Lord Chancellor might, however, be well applied to cases where the facts against the plaintiff do not stand out in such bold relief.

Suppose, for instance, it appears that one company wishes to restrain another from carrying on a business which it considers to be prejudicial to its own interests, and, not being able to do so directly, does so indirectly, by instigating a shareholder to take proceedings for that purpose; ought such a suit, according to the principles laid down by the Lord Chancellor, to be successful? In the case of *Colman v. The Eastern Counties Railway Company* (10 Beav. 1) this objection was taken to the plaintiff, but it was not successful; and Lord Langdale, M. R., held that it was no ground of personal exception to a shareholder coming forward as a plaintiff in such a case, that "he had been instigated to institute his suit by another company." With regard to that case, the Lord Chancellor, without certainly expressing any approval of it, distinguishes it from the case before him, observing, that if the proposition of Lord Langdale were limited to the extent to which the words in which it is expressed go, there might be no exception to that proposition; but undoubtedly he would not assent to it if carried one jot beyond those limits.

From these observations of the Lord Chancellor we hope to see the principle he has laid down in *Forrest v. The Manchester, Sheffield, and Lincolnshire Railway Company* acted upon in the decisions of the Court of Chancery, as far and as extensively as they possibly can be, consistently with the right which individual members of a company have to protect their own interests by bonâ fide proceedings; and that companies, whether they are actuated by religious or commercial motives, or both of them, will be warned that they cannot, by assuming the garb of a shareholder of a rival company, or by employing him as their tool, attain those ends which they could not do in their real character.

The principle might also, we think, be more extensively acted upon by the Legislature than it has been, and that every means should be taken to prevent suits in courts of justice being commenced, except for the interests of those on whose account they are nominally instituted. Administration suits, for instance, in the Court of Chancery, have not always been, and are not always now, instituted either for the benefit of creditors or the estate to be administered. But perhaps the most iniquitous law proceedings ever tolerated by courts of justice, or borne for a long period by a patient people, are those in which companies are wound up. Can no additional security be imposed against such proceedings being wantonly undertaken and recklessly carried on by the mere nominees of those who profit by them, ostensibly, indeed, for

the payment of creditors, but in reality for the creation of costs, the apparent movers in the proceedings being the mere puppets of those undertaking the profitable process of winding up the affairs of shareholders unfortunate in the object of their speculation, but doubly unfortunate in falling into the hands of the winding-up fraternity.

A correct return of all the cases in which the operation of winding up companies has been performed, giving the names of the operators, the amount distributed, and the cost of distribution, with, perhaps, a few other details, would form a very instructive commentary upon the evils of allowing any person constructively to represent others, except in those cases where, to use the words of the Lord Chancellor, the suit is a *bonâ fide* one, faithfully, truthfully, and sincerely directed to the benefit and interest of the persons whom the party originating such proceedings claims a right to represent.

### Reviews.

*A Treatise on Facts, as Subjects of Inquiry by a Jury.*  
By JAMES RAM, of the Inner Temple, M.A. Cambridge,  
Barrister-at-Law. [Maxwell. 1861.]

WE are not sure whether the author of this treatise is the gentleman, of the same name, who published in 1832 a *Treatise upon Assets*, and in 1834 a work intitled "The Science of Legal Judgment." At all events, Mr. Ram does not claim their parentage in his title-page.

With respect to the work itself, we have no scruple in saying that it is an entertaining, and in some respects an instructive, perhaps we ought rather to say a "suggestive" one. We do not, indeed, think that Mr. Ram has grasped the wide and difficult subject which he has taken in hand in a philosophic and effective manner; but his work is full of quotations illustrative of his position, taken from all kinds of sources, including plays, romances, novels, &c. Many of these quotations are apt enough, others are not; some, again, come from apocryphal sources; others are rather too long; and the practice of quotation generally has been carried too far.

We proceed to give a few specimens of Mr. Ram's observations and quotations. First, then, there is the following comparison between "leading" and what Mr. Ram calls "open" questions (pp. 134, 135):—

"Assuming that the person questioned honestly desires to speak the truth, and that his memory is not defective, a strong probability is, that, whether the question be open or leading, he will return precisely the same answer to it.

"Each kind of question has, however, its advantages and disadvantages. If the witness be dishonest, and there be connivance between him and his interrogator—or supposing the former honest, and the latter not to be so—it is plain that a leading question may tend to bring out the answer which the interrogator desires. And assuming that both the witness and the interrogator are honest, both wishing the truth to be spoken, here, if the witness remembers little or nothing, or if he be dull or heedless, or be confused or embarrassed by timidity or any other cause, there is danger that, if he is addressed by a leading question, he may, without thought or consideration, echo in his reply the words put in the question, and so fail to speak the truth.

"An open question imposes on an honest witness the necessity of thought—a consideration of both the question and reply. It forces him to resort to, and, if need be, to ransack, his memory, and obliges him to utter only what he remembers. On the other hand, it is very possible, in many cases probable, that from

sickness, old age, or other cause, his memory may be so infirm that he cannot be brought to a correct answer except by a leading question. All open questions, every question short of a leading one, may fail to quicken his memory, and bring him to express the fact of which he has knowledge. Nothing, for instance, is more common than to forget a person's name, and, without hearing it again, to be quite unable to call it to mind. We constantly hear people say, 'If I heard his name I should know it directly.' If the name be pronounced, the hearing of it refreshes the power of recollection, and the name is instantly remembered."

With reference to the employment of spies (pp. 175, 176):—

"Most persons will admit that a magistrate, in the exercise of his duty to watch over the public peace, may, with honour to himself, employ a spy upon the actions of conspirators against the State. Cicero told Catiline to his face, that at home and abroad, by day and night, he was beset by spies:—'*Quamdiu quisquam erit, qui te defendere audeat, vives; et vives ita, ut nunc vivis, multis meis et firmis præsidii obsecus, ne commovere te contra rempublicam possis. Multorum te etiam oculi et aures non sentientem, sicut adhuc fecerunt, speculabuntur atque custodient. Etenim quid est, Catilina, quod jam amplius expectes, si neque nox tenebris obscurare cœtus nefarios, nec privata domus parietibus continere vocem conjurationis tuæ, potest? . . . Nihil agis, nihil moliris, nihil cogitas, quod ego non modo non audiam, sed etiam non videam planeque sentiam.*' (Orat. in Catil. i, 2, 3). In such a case the welfare, perhaps safety, of the State justifies the magistrate, and with him his instrument, the spy; the unsullied honour of the former purifies the function of the latter.

"There is yet another kind of spy—the mercenary one, employed, not for public, but for private purposes—the man who will haunt society, treacherously insinuate himself into the confidence of others, listen at doors or thin partitions, or any way play the eaves-dropper, peep through key-holes, climb ladders to look in at windows.

"These men are much to be feared—

"*'Scire volunt secreta domûs, atque inde timeri.'*

"(Juvenal, iii, 113)."

On the demeanour of witnesses under examination (pp. 183, 184):—

"So a witness may be very honest, although his demeanour is in some respects open to censure, and deserves rebuke. Constitution of mind, habit, manner of life, may give him a coarse, blunt tongue, and a manner in appearance, yet not meant to be, uncivil or disrespectful. Such a rough, unrefined nature or carriage may well consist with a habit of speaking the truth, with an abhorrence of falsehood, and a wish and determination to give true evidence. A test and proof of his honesty may be, that neither in taking the oath nor giving his evidence does his manner imply any irreverence for the oath and its sacred duties.

"Demeanour consisting in confusion, embarrassment, hesitation in replying to questions, and even vacillating or contradictory answers, are not necessarily a proof of dishonesty in a witness, because this deportment may arise from bashfulness or timidity, and may be the natural and inevitable effect of an examination by a skilful, practised, perhaps unscrupulous advocate, whose aim in his questions is to entangle, entrap, and stupify the witness, and cause him to say and unsay anything or everything. It may not be good behaviour in a witness to suffer his eyes to wander about the court while he is under examination, but this conduct may not be unnatural, in the

midst, perhaps, of an entirely new scene to him; and the distraction of mind occasioned by that employment of his eyes may well cause him, on returning to his duty, to answer hastily and without consideration. But in all this there may be no intentional disrespect to the court, and the witness notwithstanding may be a very honest one. Again, it happens to all persons occasionally, without thought, to use one word for another, making the sense very different from what was intended: unconsciously we say that we did not mean to say. In like manner a witness may inadvertently contradict himself. Demeanour, nevertheless, if it affords any fair ground to suspect the witness does not speak the truth, imposes the necessity of caution in putting faith in his evidence."

At the present time, when the utility and propriety of judicial oaths are so much discussed, the following quotation from Archbishop Secker, given by Mr. Ram (pp. 211, 212), will be found pertinent and interesting:—

"It must be owned great numbers will certainly speak truth without an oath, and too many will not speak it with one. But the generality of mankind are of a middle sort, neither so virtuous as to be safely trusted, in cases of importance, on their bare word, nor yet so abandoned as to violate a more solemn engagement. Accordingly we find by experience, that many will boldly say what they will by no means adventure to swear; and the difference which they make between these two things is often, indeed, much greater than they should; but still it shews the need of insisting on the strongest security. When once men are under that awful tie, and, as the Scripture phrase is, have bound their souls with a bond (Numb. xxx. 2), it composes their passions, counterbalances their prejudices and interests, makes them mindful of what they promise and careful what they assert, puts them upon exactness in every circumstance; and circumstances are often very material things. Even the good might be too negligent, and the bad would frequently have no concern at all about their words, if it were not for the solemnity of this religious act. And a farther advantage of it is, that when we have thus had the strongest assurance given us which we can have concerning any matter, we are naturally disposed to acquiesce in it; and an oath for confirmation becomes the end of all strife. (Heb. vi. 16)."

On the subject of cross-examination (pp. 216, 217):—"Archbishop Whately, in his Annotations on Lord Bacon's Essay on Judicature, expresses the following opinion on different modes of examining a witness:—"I think that the kind of skill by which a cross-examiner succeeds in alarming, misleading, or bewildering an honest witness, may be characterised as the most, or one of the most, base and depraved of all possible employments of intellectual power. Nor is it by any means the most effectual way of eliciting truth. The mode best adapted for attaining this object is, I am convinced, quite different from that by which an honest, simple-minded witness is most easily baffled and confused. I have seen the experiment tried of subjecting a witness to such a kind of cross-examination by a practical lawyer as would have been, I am convinced, the most likely to alarm and perplex many an honest witness, without any effect in shaking the testimony; and afterwards by a totally opposite mode of examination, such as would not have at all perplexed one who was honestly telling the truth, that same witness was drawn on, step by step, to acknowledge the utter falsity of the whole. Generally speaking, a quiet, gentle, and straightforward, though full and careful, examination will be the most adapted to elicit truth; and the manœuvres and the brow-beating, which are the most adapted to confuse an honest,

simple-minded witness, are just what the dishonest one is the best prepared for. The more the storm blusters, the more carefully he wraps round him the cloak, which a warm sunshine will often induce him to throw off."

A good deal respecting the duty of advocates is to be found in the chapter "Of Advocacy" (p. 227). It has been stated, on high authority, that the advocate completely represents his client—that he should attend to nothing, know nothing, regard nothing but that interest—a proposition far too general in its terms, and which, if understood in a literal sense, conveys a most unjust and serious imputation on the profession of the law. Mr. Ram (p. 238) properly qualifies it thus:—

"The advocate represents his client; but he does not represent him in the sense, that for every purpose of attack and defence he stands entirely in his client's place. If he did, such representation would necessarily involve this consequence—that, supposing the client himself would attack or defend in an unscrupulous, dishonourable, or lying manner, the advocate must do so too. Such a consequence completely extinguishes the notion of entire representation of the client."

ac.—David Appleyard, T. Wigglesworth, J. Egerton, and E. Clegg, Leeds, machine makers, Oct. 10 at 11, Leeds, aud. ac.—Edward Parkin the elder, Sheffield, file manufacturer, Oct. 5 at 10, Sheffield, aud. ac.—William Martin, Alfred Phillips Youle, and William Richardson Roebuck, Doncaster, iron manufacturers, Oct. 5 at 10, Sheffield, aud. ac.—George Hartley, Sheffield, common brewer, Oct. 5 at 10, Sheffield, aud. ac.—James Mark Martin, Chesterfield, Derbyshire, ironmonger, Oct. 5 at 10, Sheffield, aud. ac.—John Parkin and Edwin Parkin, Oughty-bridge, near Sheffield, ironforgers, Oct. 5 at 10, Sheffield, aud. ac.—Joseph Stot Warner, Sheffield, merchant, Oct. 5 at 11, Sheffield, aud. ac.—Henry Donley, New York, Brinsworth, Rotherham, Yorkshire, glass manufacturer, Oct. 5 at 10, Sheffield, aud. ac.—George Perkins, Ashford, Kent, earthenware dealer, Oct. 11 at 12, London, div.—William Roberts, King's Lynn, Norfolk, grocer, Oct. 21 at half-past 11, London, div.—John William Nyren and Adam Wilson, Battersea, Surrey, colour manufacturers, Oct. 28 at 12, London, div. sep. est. of Adam Wilson.—John Hobson, Leeds, grocer, Oct. 11 at 11, Leeds, div.—Thomas Hastings Irwin, Liverpool, share broker, Oct. 10 at 11, Liverpool, div.—Eliaser Tinswell, Kirkdale, Lancashire, cart owner, Oct. 10 at 11, Liverpool, div.—John Cubben, Liverpool, builder, Oct. 11 at 11, Liverpool, div.—Richard Harrison and John Sherratt, St. Helen's, Lancashire, builders, Oct. 11 at 11, Liverpool, div. joint est., and div. sep. est. of John Sherratt.—George Elliott, Farnham, Surrey, blacksmith, Oct. 9 at 12, London, aud. ac.—John Wilkinson, Brymbo, Denbighshire, ironmaster, Oct. 1 at 11, Liverpool, aud. ac.

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Martin St. Leger, Bagnigge-wells-road, St. Pancras, Middlesex, victualler, Oct. 8 at 12, London.—Henry Monk, Shoeburyness, Essex, furniture dealer, Oct. 9 at 1, London.—John Titchmarsh, Royston, Kneeworth, Basingstoun, Cambridgeshire, miller, Oct. 10 at 11, London.—Geo. Woolford, Lydiard Millicent, Wiltshire, butcher, Oct. 28 at 11, Bristol.—Thomas Pyle and Robert Pyle, Durham, grocers, Oct. 9 at half-past 11, Newcastle-upon-Tyne.—John Rhodes, Birkenhead, Cheshire, dealer in coals, Oct. 10 at 12, Liverpool.—Thomas Wilkins, New Wortley, Leeds, Yorkshire, stonemason, Nov. 4 at 11, Leeds.—George Perkins, Ashford, Kent, earthenware dealer, Oct. 11 at 12, London.—George Davis, Southampton, builder, Oct. 11 at half-past 11, London.—Isaac Brown, Philpot-lane, City, wine merchant, Oct. 11 at 11, London.—Charles Harden, Fenchurch-street, City, warehouseman, Oct. 11 at 1, London.—Maurice Wingrave Britton, Shoreditch, Middlesex, wholesale milliner, Oct. 11 at half-past 12, London.—Patrick Brown, Paddington-green, and West-place, Islington-green, Middlesex, lead merchant, Oct. 11 at 1, London.—Charles Moody, Portsea, Southampton

tea, edge-tool manufacturer, Oct. 15 at 1, London.—*John Tallis*, Strand, and Water-street, Strand, Middlesex, printer, Oct. 15 at 12, London.—*William Elsom* and *James Francis Wallace*, Gresham-house, Old Broad-street, City, East India merchants, Oct. 12 at 11, London.—*John Measer*, Brighton, Sussex, upholsterer, Oct. 14 at half-past 1, London.—*George Strytner*, Wigan, Lancashire, provision dealer, Oct. 11 at 12, Manchester.—*Chas. Brittain*, Bebington, Cheshire, builder, Oct. 11 at 11, Liverpool.—*John Barnshaw* and *George Barnshaw*, Halifax, Yorkshire, dyers, Nov. 11 at 11, Leeds.—*Joseph Braine*, Methley, Yorkshire, grocer, Nov. 11 at 11, Leeds.

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PETITION ANNULLED.

*John Sugden*, Charles-terrace, Paxton-park, Sydenham, Kent, builder.

TUESDAY, Sept. 24.

BANKRUPTS.

**WILLIAM BROWN**, Somersham and Earith, Huntingdonshire, apothecary, Oct. 7 at half-past 12, and Nov. 11 at 12, London: Off. Ass. Pennell; Sols. Harris & Mee, Bishopsgate-churchyard, London.—Pet. f. Sept. 23.

**WILLIAM WHITE** and **GEORGE SIMMONS**, Great Queen-street, Middlesex, gas engineers, Oct. 7 at 2, and Nov. 4 at half-past 1, London: Off. Ass. Pennell; Sol. Murrough, 18, Warwick-court, Gray's-inn, London.—Pet. f. Sept. 21.

**THOMAS SHERWOOD**, Southsea, Portsea, Southampton, laceman, Oct. 5 at 1, and Nov. 1 at half-past 2, London: Off. Ass. Edwards; Sols. Mason & Co., 7, Gresham-street, London.—Pet. f. Sept. 12.

**MARTIN RICHARD ASHWIN**, Birmingham, factor, Oct. 4 and 25 at 11, Birmingham: Off. Ass. Kinnear; Sols. Harrison & Wood, Birmingham.—Pet. d. Sept. 23.

**GEORGE HENRY KENT**, Stratford-upon-Avon, Warwickshire, timber merchant, Oct. 7 and 28 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hobbes & Slater, Stratford-upon-Avon; James & Knight, Birmingham.—Pet. f. Sept. 23.

**JAMES NIXON**, Melbourne, Australia, and Liverpool, merchant, (trading under the style or firm of Alfred Nixon & Co.), Oct. 8 and 28 at 11, Liverpool: Off. Ass. Turner; Sol. Yates, jun., Liverpool.—Pet. f. Sept. 20.

**JOHN CROTHWAITE**, Liverpool, merchant, Oct. 3 and 24 at 11, Liverpool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool.—Pet. f. Sept. 23.

**ANDREW HOLDEN**, **GEORGE HOLDEN**, **RICHARD HOLDEN**, and **AMOS HOLDEN**, Blackburn, Lancashire, cotton manufacturers (trading under the firm of Holden, Brothers), Oct. 11 and Nov. 14 at 12, Manchester: Off. Ass. Fraser; Sols. Hall & Janion, Manchester.—Pet. f. Sept. 9.

MEETINGS.

*Isaac Denshirst*, Halifax, Yorkshire, commission agent, Oct. 18 at 11, Leeds, ch. ass.—*Thomas Lee*, George-yard, Lombard-street, London, and Birmingham, merchant, Oct. 3 at half-past 1, London, last ex.—*James Jones Salt*, Birmingham, glass dealer, Nov. 11 at 11, Birmingham, last ex.—*William Henry Smith*, *Henry William Withers*, *Charles William Coen*, and *George Parson*, Deptford, Kent, coal merchants, Oct. 5 at 12, London, and ac. joint est., and ac. sep. est. of *William Henry Smith*.—*William Porteous*, Brighton, Sussex, linen-draper, Oct. 5 at 11, London, and ac.—*James Herbert Smith*, Wyld's-roads, Bermondsey, Surrey, tanner, Oct. 5 at 12, London, and ac.—*George Davis*, Southampton, builder, Oct. 5 at half-past 11, London, and ac.—*Joseph Chadwick*, Willington Wharf, Augustus-street, Regent's-park, Middlesex, stout merchant, Oct. 5 at 12, London, and ac.—*Samuel Vagg*, Gower-place, Bedford-square, Middlesex, licensed victualler, Oct. 5 at 11, London, and ac.—*George Hornsey*, Southampton, gasfitter, Oct. 5 at half-past 11, London, and ac.—*John Heath Barber* and *Wm.*

*Henry Ellis*, Liverpool, iron merchants, Oct. 4 at 11, Liverpool, and ac.—*Thomas Hindle*, Everton, near Liverpool, builder, Oct. 4 at 11, Liverpool, and ac.—*Joseph Edward Blech*, Liverpool, shipbroker, Oct. 4 at 11, Liverpool, and ac.—*James Broadbent Herbert* and *Edward Hindley*, Liverpool, coal factors, Oct. 4 at 11, Liverpool, and ac.—*John Carmichael*, Liverpool, merchant, Oct. 4 at 11, Liverpool, and ac.—*Sylvester Lewis Samuel*, Liverpool, watch manufacturer, Oct. 4 at 11, Liverpool, and ac.—*James Harrison*, Southport, Lancashire, coffee-house keeper, Oct. 4 at 11, Liverpool, and ac.—*James Napier*, Rhyll, Flintshire, ship-owner, Oct. 7 at 11, Liverpool, and ac.—*Edward Wevill*, Liverpool, broker, Oct. 7 at 12, Liverpool, and ac.—*Ellis Williams*, Holyhead, Anglesey, ironfounder, Oct. 7 at 11, Liverpool, and ac.—*William George Young*, Bangor, Carnarvonshire, brewer, Oct. 8 at 11, Liverpool, and ac.—*Richard Harrison* and *John Sherratt*, St. Helena, Lancashire, builders, Oct. 8 at 11, Liverpool, and ac. joint est., and ac. sep. est. of *John Sherratt*.—*Hugh Williams*, Birkenhead, Cheshire, builder, Oct. 8 at 11, Liverpool, and ac.—*James Rankin*, Liverpool, wholesale clothier, Oct. 9 at 11, Liverpool, and ac.—*Thomas Owens*, Holyhead, Anglesey, flour dealer, Oct. 10 at 11, Liverpool, and ac.—*Thomas Beech*, Everton, near Liverpool, joiner, Oct. 10 at 11, Liverpool, and ac.—*Edward Wilkinson* and *Thomas Bentley*, Liverpool, tailors, Oct. 10 at 11, Liverpool, and ac.—*John Greenshields* and *Matthew Strang*, Liverpool, merchants, Oct. 10 at 11, Liverpool, and ac.—*James W. Evans*, Newcastle-under-Lyme, Staffordshire, cotton spinner, Oct. 7 at 11, Birmingham, and ac.—*Wm. Rose*, Birmingham, rope maker, Oct. 14 at 11, Birmingham, and ac.; Nov. 4 at 11, div.—*Robert Overbury*, Henley-in-Arden, Warwickshire, hotel keeper, Oct. 14 at 11, Birmingham, and ac.; Nov. 4 at 11, div.—*Wm. Steward*, Darlaston, Staffordshire, clothier, Oct. 14 at 11, Birmingham, and ac.—*George Wilson Ward*, Worcester, publican, Oct. 14 at 11, Birmingham, and ac.; Nov. 4 at 11, div.—*Thomas Alfred Ragg*, Birmingham and Edgbaston, Warwickshire, bookseller, Oct. 14 at 11, Birmingham, and ac.—*Robert Jerram*, Nottingham and Lambley, Nottinghamshire, innkeeper, Oct. 10 at 11, Nottingham, and ac.—*George H. Hopkins*, Belper, Derbyshire, auctioneer, Oct. 10 at 11, Nottingham, and ac.—*Newby Atkinson*, South, Lincolnshire, miller, Oct. 2 at 12, Kingston-upon-Hull, and ac.—*Wm. Harrison*, Barnsley, Yorkshire, tailor, Oct. 7 at 11, Leeds, and ac.—*Samuel Wesley H. Wade*, Leeds, wine merchant, Oct. 7 at 11, Leeds, and ac.—*John Greenwood*, Sheffield, stone Sawyer, Oct. 5 at 10, Sheffield, and ac.—*Robert Baxter*, Sheffield, merchant, Oct. 12 at 10, Sheffield, and ac.—*George Moore*, Perry Bar, Staffordshire, market gardener, Nov. 7 at 11, Birmingham, div.

CERTIFICATES.

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*James Selman*, Upper Baker-street, Portman-square, Middlesex, tailor, Oct. 17 at half-past 11, London.—*H. Stroyer*, Woodall-place, Brixton, Surrey, grocer, Oct. 17 at 1, London.—*James Smith*, Guildford, Surrey, builder, Oct. 17 at 12, London.—*Henry Boreham*, Wilmot-street, Russell-square, Middlesex, plumber, Oct. 18 at 2, London.—*John Edward Elford*, Cumberland-place, Bayswater, Middlesex, grocer, Oct. 18 at half-past 1, London.—*J. Mantua*, Luton, Bedfordshire, jeweller, Oct. 16 at half-past 1, London.—*Charles Gibbs*, Droitwich, Worcestershire, baker, Nov. 4 at 11, Birmingham.—*James Pearce*, Kidderminster, Worcestershire, chemist, Nov. 4 at 11, Birmingham.—*James Caudwell*, Southwell, Nottinghamshire, coal merchant, Nov. 5 at half-past 11, Nottingham.—*Henry Astill*, Loughborough, Leicestershire, porter merchant, Nov. 5 at half-past 11, Nottingham.—*George P. Rooney*, Liverpool, licensed victualler, Oct. 15 at 11, Liverpool.

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## GAZETTES.—FRIDAY, Sept. 27.

## BANKRUPTS.

HENRY CHURCHILL, Washington, Sussex, builder, Oct. 7 at half-past 11, and Nov. 13 at 1, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Sept. 20.

FREDERICK WEATHERLEY, Old Chapel-row, Kentish-town, Middlesex, draper, Oct. 7 at 1, and Nov. 13 at 12, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury, London.—Pet. f. Sept. 20.

GEORGE ISADORE MAILLET, Westbourne-grove, Bayswater, corn dealer, Oct. 8 at 11, and Nov. 11 at half-past 1, London: Off. Ass. Pennell; Sols. Willoughby & Co., 13, Clifford's-inn, London.—Pet. f. Sept. 16.

EDWIN WRIGHT, Upton, near Slough, Buckinghamshire, cowkeeper, Oct. 8 at half-past 12, and Nov. 13 at 11, London: Off. Ass. Pennell; Sol. Cordwell, 22, College-hill, London.—Pet. f. Sept. 16.

SIDNEY FRANKAU, Bishopsgate-street Within, London, and Bridge-street, Westminster, importer of meerschaum pipes (trading as Sidney Frankau & Co.), Oct. 8 at half-past 11, and Nov. 11 at 1, London: Off. Ass. Pennell; Sol. Brandon, 15, Essex-street, Strand.—Pet. f. Sept. 24.

JOHN JAMES RIDGE, Forest-hill, Kent, and late of Free-school-street, St. John's, Southwark, Surrey, chemist, Oct. 8 at half-past 2, and Nov. 13 at half-past 1, London: Off. Ass. Pennell; Sols. Lawrence & Co., 12, Bread-street, Cheapside.—Pet. f. Sept. 26.

WILLIAM HART and JOHN HART, Framlingham and Dennington, Suffolk, drapers, Oct. 10 at 12, and Nov. 8 at 11, London: Off. Ass. Stansfeld; Sols. Miller & Co., Norwich; Mason & Co., 7, Gresham-street, London.—Pet. f. Aug. 6.

JOHN SOTHERAN the younger, Nottingham, joiner, Oct. 10 and 29 at 11, Nottingham: Off. Ass. Harris; Sol. Preston, Nottingham.—Pet. f. Sept. 26.

EDWARD DAVID, Bridgend, Glamorganshire, innkeeper, Oct. 8 and Nov. 5 at 11, Bristol: Off. Ass. Acraman; Sols. Edwards & Nalder, Bristol.—Pet. f. Sept. 12.

WILLIAM HENLEY, Gloucester, printer, Oct. 8 and Nov. 4 at 11, Bristol: Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Sept. 17.

RICHARD BINNEY and JOSEPH WALKER BINNEY, Leeds, sharebrokers, Oct. 11 and Nov. 8 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. and f. Sept. 20.

JOSEPH WHITLEY, Leeds, brass founder, Oct. 7 and Nov. 8 at 11, Leeds: Off. Ass. Young; Sol. Cariss, Leeds.—Pet. d. and f. Sept. 26.

JOHN DICKON LYON, Kingston-upon-Hull, commission agent, Oct. 16 and Nov. 18 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Eaton & Bailby, Hull.—Pet. d. Sept. 25.

## MEETINGS.

Thomas Coates, Sunderland, Durham, publican, Oct. 8 at 11, Newcastle-upon-Tyne, last ex.—William Downes, Wolverhampton, Staffordshire, grocer, Nov. 1 at 11, Birmingham, last ex.—Maurice Montefiore Joseph and Ludovick Carmichael, Calcutta, East Indies, and Liverpool, merchants, Oct. 7 at 11, London; aud. ac. sep. est. of Maurice Montefiore Joseph.—George Hemmet, Duke-street, Westminster, Middlesex, Bristol and Bridgwater, Somersetshire, and Plymouth and Teignmouth, Devonshire, railway contractor, Oct. 7 at 11, London, aud. ac.—James Thomas, Abingdon, Berkshire, builder, and Culham, Oxfordshire, brickmaker, Oct. 7 at half-past 11, London, aud. ac.—Lewis Powell, Chapel-place, Cavendish-square, Middlesex, builder, Oct. 7 at half-past 11, London, aud. ac.—Edward Herring, Trinity-street, Southwark, manufacturing chemist, Oct. 7 at 11, London, aud. ac.—Frederick Francis Fox, Fenchurch-street, City, tailor, Oct. 7 at half-past 11, London, aud. ac.—John Large, Upton, Berkshire, cattle salesman, Oct. 8 at half-past 12, London, aud. ac.—James Selman, Upper Baker-street, Portman-square, Middlesex, tailor, Oct. 8 at 12, London, aud. ac.—John Morgan, Greenfield-street, Whitechapel, Middlesex, draper, Oct. 8 at half-past 11, London, aud. ac.—William Dray, Farningham, Kent, farmer, Oct. 8 at 12, London, aud. ac.—Isaac Bensaud, South-street, Finsbury, Middlesex, mer-

chant, Oct. 8 at half-past 11, London, aud. ac.—Charles Walton and Wm. Walton, Clement's-lane, City, insurance brokers, Oct. 8 at 11, London, aud. ac.—Henry Bunny, Newbury, Berkshire, brickmaker, Oct. 8 at 11, London, aud. ac.—Nathaniel Ballard, Farringdon, Berkshire, woolstapler, Oct. 9 at 11, London, aud. ac.—Isaac Brown, Philpot-lane, City, wine merchant, Oct. 9 at 11, London, aud. ac.—James F. Ingledew, Brighton, Sussex, coal merchant, Oct. 9 at 11, London, aud. ac.—Wm. Cash, High-street, Portland-town, Middlesex, and Peterborough, Northamptonshire, grocer, Oct. 9 at half-past 11, London, aud. ac.—William Ballard, Farringdon, Berkshire, woolstapler, Oct. 9 at half-past 11, London, aud. ac.—John Gurney Mason, Stamford, Lincolnshire, ironmonger, Oct. 9 at 12, London, aud. ac.—Walter Stanton Bougfield, Isle of Dogs, Middlesex, engineer, Oct. 9 at 12, London, aud. ac.—Susan Catherine Harrison, Ipswich, Suffolk, innkeeper, Oct. 9 at 12, London, aud. ac.—John Bernard Behrends and William Austin Nichols, St. Mary-axe, City, East India and general merchants, Oct. 9 at half-past 1, London, aud. ac. joint est. and aud. ac. sep. est. of John Bernard Behrends.—Edward John Heard and James John Walter, Wapping-wall, Middlesex, packing-case manufacturers, Oct. 9 at half-past 11, London, aud. ac.—Robert Herman, Littlewick, White Waltham, Berkshire, cera merchant, Oct. 10 at 11, London, aud. ac.; Oct. 19 at 11, div.—George Perkins, Ashford, Kent, earthenware dealer, Oct. 10 at 11, London, aud. ac.—George Bowley Medley, Highbury-park North, Islington, Middlesex, and Great Tower-street and Lloyd's Coffee-house, City, underwriter, Oct. 10 at 11, London, aud. ac.; Oct. 19 at 11, div.—William Henry Batchelar, Leatherhead, Surrey, builder, Oct. 10 at 11, London, aud. ac.—Henry Augustus Hope, West Smithfield, City, and Oxford-road, Downham-road, Islington, Middlesex, hay salesman, Oct. 10 at half-past 11, London, aud. ac.—O. F. Owens, Sussex-terrace, Westbourne-grove, Middlesex, bookseller, Oct. 10 at half-past 11, London, aud. ac.—W. B. Taylor, Norwich, tobaccoist, Oct. 10 at 12, London, aud. ac.—Ludwig W. Kretschmar, Duke-street, Bloomsbury, Middlesex, manufacturing jeweller, Oct. 10 at half-past 12, London, aud. ac.—Raymond D'Arcy Newton, Warwick-square, City, advertising agent, Oct. 10 at 1, London, aud. ac.—Elisha Spink, High-street, Whitechapel, Middlesex, eating-house keeper, Oct. 10 at half-past 1, London, aud. ac.—Joseph Samuel Parsons, Brentford and Uxbridge, Middlesex, watchmaker, Oct. 10 at 2, London, aud. ac.—Thomas Pyle and Robert Pyle, Durham, grocers, Oct. 9 at half-past 11, Newcastle-upon-Tyne, aud. ac.—J. Rogerson, East Hartlepool, Durham, linendraper, Oct. 9 at 12, Newcastle-upon-Tyne, aud. ac.—John Holden, Belmont, near Bolton-le-Moors, Lancashire, cotton spinner, Oct. 7 at 12, Manchester, aud. ac.—John Shawcross, Bowdon, Cheshire, and Manchester, cotton spinner, Oct. 7 at 12, Manchester, aud. ac.—Joshua Maden, Brandwood Mill, near Bacup, Lancashire, cotton spinner, Oct. 7 at 12, Manchester, aud. ac.—Jonathan F. Calvert, Blackburn, Lancashire, draper, Oct. 7 at 12, Manchester, aud. ac.—Owen Williams, Manchester, corn dealer, Oct. 7 at 12, Manchester, aud. ac.—Jonathan Brignall, Manchester, dyer, Oct. 7 at 12, Manchester, aud. ac.—John Crosthwaite, Liverpool, merchant, Oct. 8 at 11, Liverpool, aud. ac.—Anthony Cumming the younger, Liverpool, merchant, Oct. 9 at 11, Liverpool, aud. ac.—John Carlyle, Liverpool, linendraper, Oct. 9 at 11, Liverpool, aud. ac.—Edward Kirby, Liverpool, and James Bracegirdle, Northwich, Cheshire, salt proprietors, Oct. 10 at 1, Liverpool, aud. ac. joint est. and aud. ac. sep. est. of Edward Kirby.—John W. Garrett, Liverpool, corn merchant, Oct. 10 at 1, Liverpool, aud. ac.—John Cadman, Upholland and Billinge, Lancashire, brickmaker, Oct. 10 at 11, Liverpool, aud. ac.; Oct. 21 at 11, div.—Joseph C. Harris, Liverpool, licensed victualler, Oct. 10 at 1, Liverpool, aud. ac.—John Rhodes, Birkenhead, Cheshire, dealer in coal, Oct. 10 at 1, Liverpool, aud. ac.—James Greenwood, Haworth, Bradford, Yorkshire, worsted spinner, Oct. 7 at 11, Leeds, aud. ac.—John Child and John Pickles, Wakefield, Yorkshire, contractors, Oct. 7 at 11, Leeds, aud. ac. joint and sep. ests.—Enock Haley, Wm. Hargreaves, Joseph Owen, and James Perkins, Bradford, Yorkshire, wrought iron manufacturers, Oct. 7 at 11, Leeds, aud. ac. sep. ests.

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## THE JURIST.

LONDON, OCTOBER 5, 1861.

THE second great measure of legal reform originated by the Government in the late session of Parliament (the reform in the law of bankruptcy and insolvency must necessarily be looked on as the first) has been successful. The bills introduced by the Solicitor-General for the consolidation and amendment of a large portion of the statutable criminal law of England and Ireland have, with certain alterations, passed into law, by receiving the royal assent on the 6th August last, their provisions to come into operation on the 1st November next. We have frequently alluded to these bills during their progress through the Legislature (see *supra*, pp. 131, 143, 219, 236), and now propose to take a survey of the acts to which they have given rise.

The statutes are seven in number, as follows:—

24 & 25 Vict. c. 94, “An Act to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences.”

24 & 25 Vict. c. 95, “An Act to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters.”

24 & 25 Vict. c. 96, “An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences.”

24 & 25 Vict. c. 97, “An Act to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property.”

24 & 25 Vict. c. 98, “An Act to consolidate and

amend the Statute Law of England and Ireland relating to indictable Offences by Forgery.”

24 & 25 Vict. c. 99, “An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.”

24 & 25 Vict. c. 100, “An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.”

After the bills in question were introduced into Parliament, the principle of division on which they are founded was severely attacked by Mr. Coode in a pamphlet intitled “A Letter to Lord Palmerston on his Bills for the Disintegration of the Statute Law,” which will be found noticed *supra*, p. 236. In justification of the course adopted by the Government, it may, perhaps, be urged that legislating in the manner here adopted is not new—a precedent having been made for it by Sir Robert Peel, in the statutes passed in the 7 & 8 Geo. 4 and 9 Geo. 4, known by the title of “Peel's Acts;” so that, even supposing Mr. Coode's objections well founded, it is now too late to discuss the question. Indeed, the difficulty is one sure to present itself in limine whenever any scheme either of codification or of consolidation on a large scale is brought before the Legislature. It might further be urged that Mr. Coode ought to have brought forward his objections at an earlier period.

In order to attain a clear view of the effect of these statutes, we must observe that it would be a great mistake to look on them as constituting either a code or portions of a code—things which they neither are nor profess to be. Neither are they, nor do they even profess to be, a complete consolidation of statute law. They are merely what their titles denote—namely, five of them are acts consolidating and amending the law on five particular subjects; another consolidates

and amends the statute law relative to accessories to and abettors of indictable offences; and the other repeals certain enactments which it was necessary to repeal in order to make room for the new legislation.

The first subject that must strike the mind of every person on perusing these statutes is one which we have recently considered when examining the bills on which they are founded—namely, the number of offences hitherto punishable with death from which that punishment is taken away by them. The serious offences of administering poison with intent to murder (24 & 25 Vict. c. 100, s. 11); wounding with like intent (*Id.*); setting fire to a dwelling-house with a person in it (24 & 25 Vict. c. 97, s. 2); exhibiting a false light with intent to bring a ship into danger (*Id.*, s. 47); robbery accompanied by wounding (24 & 25 Vict. c. 96, s. 43); and unnatural offences (24 & 25 Vict. c. 100, s. 61), are among them. The question has been much discussed whether the first two of these ought to be punished capitally or not. Their heinousness is urged in favour of the former view, while, in favour of the latter, it is argued that it is wise to leave criminals a *locus poenitentiae*. A man has already committed a barbarous assault on another; if he knows that his life will be forfeited, he has the temptation placed before him to persevere, and go on to actual murder, in order to prevent the injured party appearing to bear testimony against him; whereas, when the capital punishment is restricted to the case where life has been actually sacrificed, the criminal is supplied with the strongest possible motive to stop short of the greater offence. Be this as it may, it is worthy of observation, that since the above acts received the royal assent (as already stated, they do not come into operation till the 1st November next) a man was hanged for wounding with intent to murder a woman with whom he cohabited; and although the matter was brought under the notice of the executive, they refused to interfere. The case, indeed, was as bad as bad could be; but whether the allowing the sentence to be executed proceeded from tacit disapproval of the change in the law effected by these enactments, or from the higher principle, that the law, while it exists, ought to be enforced, it is needless to inquire. And we may as well mention here the distinction taken in the Code Napoléon, *liv. Cod. Pénal*, art. 1, § 2, between the cases where the death of the injured party is averted by some act independent of the will and intention of the accused, and where it is averted by leniency on his part.

It has been for a long time highly fashionable to assail the criminal law of England as the very impregnation of severity and absurdity; but we deny that either of these terms is applicable to that portion of it which was derived from the common law. Never was charge worse founded than that which accuses the common law of being sanguinary. How many offences were capital by it? Twelve or fourteen\*; and these were, for the most part at least, of a nature highly dangerous to society. About the sixteenth century a different principle of criminal legislation sprang up; it grew into an axiom, that, whenever any offence became frequent or troublesome, the only remedy was to make it felony, without benefit of clergy; and this course was persevered in until at the beginning of the present century the list of capital offences disclosed the fearful number of nearly 200. The obvious inhumanity of this state of the law induced judges to invent absurdities, and juries to find impossibilities, in order to evade it; and these, joined

to the constant habit of remitting capital punishment by the executive, reduced our criminal practice to a system, the general characteristics of which were severity and uncertainty. More recent legislation put an end to this immense evil, and the number of capital offences was reduced to nearly the same as at the common law. And whatever might have been said previous to the statutes before us, the charge against our criminal code, of being sanguinary or Draconian, must now be for ever abandoned. These acts retain the punishment of death for murder alone. It of course remains for treason; and we apprehend that the 12 Geo. 3, c. 24, s. 1, which renders it a capital felony to set fire to or destroy ships of war, arsenals, dock-yards, &c., is still unrepealed; at least, we do not find it noticed in the repealing statute, 24 & 25 Vict. c. 95. Possibly there may still be some other capital felonies, but their number must necessarily be very few. To all this it must be added, that the offence of treason has been very much limited of late years—many acts which formerly were either construed by the judges to be treason under the 25 Edw. 3, or were made treason by substantive legislation, having been reduced to felony, and the capital punishment taken away. Indeed, by one of the acts before us, the 24 & 25 Vict. c. 98, s. 1, the forging the great or privy seal, privy signet, or sign-manual, which were previously treason, although, by a strange anomaly in the law, not punishable capitally, are reduced to felony.

Having in some of our recent articles, already referred to, considered the question of the punishment of death, we are unwilling to recur to it at present. Still we feel it right to remark, that while a tolerably large and very energetic portion of the community are pressing the Legislature to abolish capital punishment, a considerable pressure is also brought to bear against every secondary punishment which it is proposed to substitute for it. Thus there is in the public mind a disinclination (perhaps we might say prejudice) against protracted periods of solitary confinement—a feeling which is so strong that the Legislature has limited the duration of that punishment to one month at a time. Transportation has been nearly abolished, for various reasons, some social, some juridical, some political. See, however, the observations on this subject by Byles, J., in his recent charge to the grand jury of Dorsetshire (*supra*, p. 297). And with respect to penal servitude, which has been substituted for it, and at the present moment is the favourite "*peine afflictive et infamante*" of our legislators, a system of criminal discipline has been established which goes far to neutralise the action of the law. For instance, under one of the statutes before us, the 24 & 25 Vict. c. 100, s. 11, the crime of administering poison with intent to murder is punishable with penal servitude for life, or for any term not less than three years, or imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement. But by a system of convict regulation every person sentenced to penal servitude for life can claim his liberation as matter of right at the end of fifteen years, provided his conduct has been good during that time; and persons condemned to penal servitude for a less period than for life can likewise claim their liberation after a shorter period of good conduct. A strong illustration of the working of this system occurred lately. Inquiry was made of the Government, in the House of Commons, as to the reason why a certain criminal, sentenced to penal servitude for life for a very bad offence, had been discharged; to which the Government replied that they had no choice in the matter, the man having conducted himself well during the prescribed time; and the Home Secretary is reported to have said on a recent occasion, that im-

\* See them collected in 1 Hale's *Plans of the Crown*.

prisonment for life was objectionable, as it made men desperate. The codes of Louisiana and other countries, where the punishment of death has been abolished for murder, punish the person guilty of that offence by imprisonment for life, in a way that renders it questionable whether the sparing his life is a favour to him or not. The law of Russia, in particular, punishes it with twenty years' penal servitude in the mines of Siberia—a country, the climate of which is so severe, that, by the Russian law, the being exiled to live in it, apart from any further coercion whatever, is deemed sufficient punishment for some minor offences.

(To be continued).

### Reviews.

*A Treatise on the Law of Merchant Shipping.* By DAVID MACLACHLAN, M.A., of the Middle Temple, Barrister-at-Law.

[Maxwell; Hodges, Smith, & Co., Dublin; Bell & Bradfute, Edinburgh. 1860.]

*A Compendium of the Law of Merchant Shipping; with an Appendix, containing all the Statutes and Forms of Practical Utility.* By FREDERICK PHILIP MAUDE and CHARLES EDWARD POLLOCK, Esqrs., of the Inner Temple, Barristers-at-Law. Second Edition. [H. Sweet. 1861.]

THESE works are valuable contributions to our legal literature. In a maritime nation like ours the law of merchant shipping is necessarily an important and interesting subject at any time; but the great changes recently effected in it by the Merchant Shipping Act, and kindred acts, render it at the present moment one of paramount importance. The designs and plans of the works before us, however, differ considerably, and are thus stated in their respective Prefaces.

Mr. MacLachlan's account of his work is as follows:—

"The following treatise, planned upon the order of the subject, opens with the acquisition of ship property, and those dealings with it, when acquired, which are recognised and sanctioned by law. It passes from this to the various relations of the owners in connexion with such property—among themselves, with their agents, to the world at large, the mariners in particular, and generally to the owners of other ships that may be met with on the maritime highway. Thus far it comprises only those dealings and relations, legally considered, which begin and end immediately in the possession of this description of property, forming what may be regarded as the first grand division of the subject. The second division is concerned with the commercial purpose of ship property, and all those obligations which are severally contracted by the owner and the freighter in the employment of it for that end, whether expressly stipulated between them at the first, or implied by law, from the relation thus formed, in connexion with the course of subsequent events. The subject, in this view of it, appears distinctively marked about a few centres, presenting for the investigation of it a plan that easily admits of the full discussion of particulars, whilst it naturally combines towards the general development of the whole, and is immediately accessible, in any part of it, to a mere stranger.

"This treatise was originally intended, upon the suggestion of a friend, to have been founded on the fourth edition of Abbott on Shipping, the last of that work for which its eminent author held himself re-

sponsible. Under this impression the announcement of it by my publisher appeared; and I availed myself of assistance from that edition to the extent of fifty pages and notes, greatly altered, and distributed in various parts of this volume. But at an early stage of my progress I entirely abandoned that intention, believing that I could treat the subject more satisfactorily upon a plan altogether my own, than by endeavouring to recast Abbott's work with a different arrangement. To do this, indeed, would have destroyed the identity of that treatise without compensating any one by the value of the result. For the present work, therefore, I am entirely responsible."

The work of Messrs. Maude and Pollock is the second edition of a treatise published by the same authors in 1853, which the recent alterations in the law on the subject of merchant shipping have now rendered almost useless. In the Preface to the present edition the authors say—

"Since the publication of the first edition of this work, in 1853, the statute law affecting merchant shipping has undergone many and important changes. Almost all the statutes then in force relating to this subject have been repealed, and acts consolidating and altering the law have been passed, including the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104), the Passengers Act, 1855 (18 & 19 Vict. c. 119), and other statutes of less importance. These changes have rendered it necessary to recast the whole of this work, and to rewrite almost the whole of it. In embodying in the present edition the provisions of the recent statutes, and the decisions which have occurred since the first edition was published, the authors have adhered as closely as possible to the original plan of the book, and they have retained such references to the earlier statutes as they have deemed necessary to a clear understanding of the law as it now exists.

"The index and table of cases have been compiled by Mr. C. Warner Lewis, of the Northern Circuit, to whom the authors are also indebted for very material assistance in preparing the text."

From this it appears that, in order fully to understand the plan of the work, we must refer to the former edition, in the Preface to which we are informed—

"The object of the writers of this book has been to provide a compendium of the law relating to merchant shipping in as small a compass as is consistent with the importance and extent of the subject. The plan adopted has been to confine the text of the work to the law of England as it now exists, whether it depend upon statutory enactment or upon the decisions of the Courts of this country; reserving for the notes such remarks upon our own earlier law, and such notices of the laws of foreign countries, as have appeared directly to explain the principles of the existing law."

Hence it appears that the work in question is not offered to the Profession as a systematic treatise on the Law of Merchant Shipping, like Abbott on Shipping, and works of that character. Its very title is, "*A Compendium of the Law of Merchant Shipping*;" and indeed a further examination of it confirms the conclusion. The text amounts only to 474 pages, a part of which is covered by extracts from various statutes; and then follows an Appendix of 261 pages, consisting of statutes, forms, &c. Mr. MacLachlan's work, on the contrary, professes to be a formal treatise on the subject, and is neither a compendium of it nor a commentary on certain important statutes. His work is not, however, very long—it consists of 609 pages of text, and 178 pages of statutes, forms, &c.



Both works are well executed, and, as we have already stated, are valuable contributions to our legal literature, and we are therefore most unwilling to institute invidious comparisons between them. Mr. Mac-lachlan's work we have examined with much pleasure; he is an author who possesses the qualification so rare in our day of thinking for himself, and putting forward his views with distinctness and firmness—views for the most part based on common sense, or supported by authority. And although the work displays much learning and research, and goes deeply into the subjects on which it treats, its systematic, and in many places elementary, character, renders it well adapted for a class book. His style is also terse and nervous. As a specimen take the following. In the chapter on Mariners (pp. 177 et seq.) we have the following respecting the master:—

"We have already considered the authority conferred on the master, as the agent of the owners, in his dealings with strangers. In his command on board, a totally different description of duties and qualifications is required of him. Some of these are peculiar. The office itself is singular, for the wide variety of functions and duty which it combines. The responsibility of his position; the careful providence of his administration; the tact and temper of one who daily lives among those whom he is to govern and conciliate, including, when passengers are on board, individuals probably of every grade; the skill and seamanship and divining sagacity of the navigator; the vigilance of one who must rely on wind and sea with unceasing distrust, and still hold human life and material wealth in his keeping; and the courage, self-possession, and prompt decision of the mind that rules alone through storm and sunshine—such are the accumulated requisites of this one office.

"It is a little remarkable, however, unless it be traceable to the familiarity of our people with the sea, as contrasted, for instance, with the French nation<sup>o</sup>, that in the greatest maritime country the world has yet seen, the public had no security, till a few years ago†, for the qualification of those to whom they freely committed their property and their life. Provision is now made by the Merchant Shipping Act‡ for giving certificates of fitness to those who are found, by testimonials and personal examination, to be qualified by previous good conduct, and by ability, skill, and knowledge, to undertake such a command. The possession of such a certificate by any one going to sea from this country in the capacity of master or mate is compulsory; and the use of fraudulent means for the purpose of dishonestly supplying the want is declared to be a crime§.

The treatise of Messrs. Maude and Pollock is less systematic, but is well adapted for practice. Like the other work, a good deal of learning and research are here displayed, although never unnecessarily. It is matter of taste and opinion; but we confess we do not admire the plan of keeping foreign and ancient law so much in the notes; and, indeed, the note system generally is too much resorted to throughout the work. The important subject of "particular average," for instance, we find explained in a note at p. 278. Surely this ought to have formed part of the text.

\* "The first article, under the title 'Du Capitaine,' in the second book of the Marine Ordinance of Louis XIV in 1681, requires experience and a public examination on the part of every candidate for this office. (See Cleirac on the first article of the laws of Oléron; French Ordinance, liv. 2, tit. 1; 'Du Capitaine,' and Valin thereon; Hans. Ord. of 1614, tit. 3, art. 1; 2 Pardessus. 592).

† "13 & 14 Vict. c. 83.

‡ "17 & 18 Vict. c. 104, ss. 131-140.

§ "Id., ss. 136, 140."

We shall conclude with a specimen of the style of this work:—

"The continental codes of maritime law differ in the principles by which they regulate compensation in cases of collision. The rules acted upon by the English Court of Admiralty on this head are as follows:—First, if the damage happen without blame being imputable to either party—as where the loss is occasioned by a storm or any other vis major—the loss must be borne by the party on whom it happens to light; the other is not responsible to him in any degree. Secondly, if both parties are to blame—as where there has been a want of due diligence or of skill on both sides—the loss must be apportioned between the parties, as it has been occasioned by the fault of both. Thirdly, if the damage happen by the misconduct of the suffering party only, the sufferer must bear his own burthen. And, lastly, if it was caused by the fault of the ship which ran the other down, the injured party is entitled to an entire compensation from the other<sup>o</sup>. The first of these rules—namely, that where the damage is the result of mere accident the loss must be borne by the party on whom it falls—has been often recognised and acted upon†. It appears that it will be applied, not only where the evidence shews conclusively that the injury was occasioned by accident, but also where there is a reasonable doubt as to the preponderance of the evidence on this point‡. An inevitable accident has been defined to be one which could not possibly be prevented by the exercise of ordinary care, caution, or maritime skill§. Under the second of these rules, when both vessels are in fault, the sums representing the damage sustained by each are added together, and the amount is equally divided between the two. This rule holds good even although one of the vessels may have been more in fault than the other|. Where the Court of Session in Scotland, finding that both ships were to blame, but

• "See the judgment of Sir W. Scott in *The Woodrop Sims* (2 Dods. 85), cited and approved of by Lord Gifford in *Hay v. Le Neve* (2 Shaw's Scotch App. Cas. 401).

† "*The Shannon* (1 W. Rob. 463); *The Ebenezer* (2 W. Rob. 206); *The Itinerant* (Id. 236); *The Thornley* (7 Jur. 659). This rule agrees with that of the Roman law (Dig. lib. 9, tit. 2, 'Ad Legem Aquileiam,' fr. 29), the principle of which was adopted by some of the early maritime codes of Europe. (See the Consolato, cap. 155). The laws of Oléron and of Wisbuy appear to lay down a different rule, and to direct that in cases of accident the damage shall be divided equally between the injured vessels. (See art. 15 of the former law, and arts. 29, 49, 50, and 65 of the latter). It is curious that Boulay Paty, in his *Cours de Droit Commercial Maritime*, tit. 12, s. 6, vol. 4, p. 498, asserts that the former of these rules was adopted by all the ancient maritime codes. The French Code de Commerce follows the civil law, and by art. 407 directs—'Si l'événement a été purement fortuit, le dommage est supporté sans répétition par celui des navires qui l'a éprouvé.' (See also the observations on this subject in Valin's *Ordon. de la Marine*, liv. 3, tit. 7, art. 10, vol. 2, p. 177; Emerigon's *Traité des Assur.*, c. 12, s. 14; 1 Bell's *Com.* 580, 581, and notes; Marshall's *Ins.*, b. 1, c. 12, s. 2; and 3 Kent's *Com.* 231).

‡ "See the observations of Lord Stowell in *The Catherine of Dover* (2 Hagg. 164).

§ "See the judgment of Dr. Lushington in *The Virgil* (3 W. Rob. 206).

|| "*The Judith Randolph* (cited by Lord Gifford in *Hay v. Le Neve*, 2 Shaw's Scotch App. Cas. 408); *Vaux v. Sheffer* (8 Moo. P. C. C. 75); *The Linda* (4 Jur., N. S., 147). Lord Denman in *De Vaux v. Salvador* (4 Ad. & El. 432), speaking of this rule, said, 'It grows out of an arbitrary provision in the law of nations from views of general expediency, not as dictated by natural justice, nor (possibly) quite consistent with it.' (See also the quotations from foreign law writers, and the valuable remarks in Mr. Serjeant Shee's edition of *Abb. Ship.* 623, 10th ed.)

that a greater share of blame rested on one, decided that her owners were liable to two-thirds of the damage, the House of Lords, upon appeal, reversed the decision<sup>o</sup>. This rule is now, however, subject to the provision of the Merchant Shipping Act, 1854, which has been already noticed†, and which provides that the owners of ships, by which the statutory rules as to sailing lights or fog signals are infringed, are entitled to no recompense whatever for any damage sustained in a collision occasioned by this disobedience, unless the circumstances of the case made a departure from the rules necessary‡. The third rule mentioned above requires no comment§. With respect to the last, when the facts upon which its application depends have been determined, the Court of Admiralty, in awarding compensation to the party injured, proceeds on the same principles as a court of common law."

\* "*Hay v. Le Ness* (2 Shaw's Scotch App. Cas. 395); see also *The Washington* (5 Jar. 1067).

† "*Arta*, p. 406.

‡ "*Lacson v. Carr* (10 Moo. P. C. C. 162); and see the cases cited ante, p. 410.

§ "*The Ligo* (2 Hagg. 356) was a case falling within this rule."

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

Robert S. Begbie, Great Winchester-street, City, merchant, Oct. 18 at 1, London.—*Wm. Ballard*, Farrington, Berkshire, woolstapler, Oct. 18 at 11, London.—*Nathaniel Ballard*, Farrington, Berkshire, woolstapler, Oct. 18 at half-past 11, London.—*Wm. T. Hudson*, Brigstock, Northamptonshire, surgeon, Oct. 18 at 12, London.—*Edward John Heard* and *James John Walter*, Wapping-wall, Middlesex, packing-case manufacturers, Oct. 18 at 12, London.—*James Smith*, Macclesfield-street, City-road, Middlesex, carman, Oct. 18 at half-past 1, London.—*Charles Lowell*, Great Marlborough-street, Regent-street, Middlesex, glass merchant, Oct. 18 at 2, London.—*Frederick F. Fox*, Fenchurch-street, City, tailor, Oct. 19 at 11, London.—*James Armitage*, Woolwich, Kent, cheesemonger, Oct. 19 at 11, London.—*William Cole* the younger, Mark-lane, City, shipping agent, Oct. 24 at 2, London.—*Thomas Lunham*, Wellington-chambers and High-street, Southwark, Surrey, and Dublin, provision merchant, Oct. 24 at 11, London.—*Wm. Parke Andrew*, Crutched-friars, City, wine merchant, Oct. 18 at 2, London.—*John C. B. Wild*, St. Mary-axe, City, licensed victualler, Oct. 18 at 2, London.—*Wm. H. Batchelar*, Leatherhead, Surrey, builder, Oct. 18 at half-past 2, London.—*Jacob French*, Arlington-street, New North-road, Middlesex, gold chain manufacturer, Oct. 21 at 11, London.

#### PETITION ANNULLED.

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#### TUESDAY, Oct. 1.

##### BANKRUPTS.

CHARLES HARRIS, Stratford-le-Bow, Essex, ironmonger, Oct. 11 at 2, and Nov. 8 at 1, London: Off. Ass. Whitmore; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. Sept. 26.

JOHN EMLINTON, Salisbury, Wiltshire, leather seller, Oct. 12 at half-past 11, and Nov. 13 at 2, London: Off. Ass. Pennell; Sols. Kelsey, Salisbury; Bothamley & Freeman, 39, Coleman-street, London.—Pet. f. Sept. 27.

THOMAS GOLDSMITH, Norwich, baker, Oct. 12 at 12, and Nov. 14 at 11, London: Off. Ass. Pennell; Sols. Ladd the younger, Norwich; Storey, 6, King's-road, Bedford-row, London.—Pet. f. Sept. 20.

THOMAS LORD, Technorden, Lancashire, cotton spinner, Oct. 11 and Nov. 1 at 12, Manchester: Off. Ass. Fraser; Sol. Leigh, Manchester.—Pet. f. Sept. 27.

JESSE FRIDLINGTON, Southsoppe Mill, Northamptonshire, miller, Oct. 12 at 11, and Nov. 14 at half-past 12, London: Off. Ass. Pennell; Sols. Law, Stamford, Lincolnshire; Wright & Bonner, 15, London-street, Fenchurch-street, London.—Pet. f. Sept. 30.

WILLIAM BUTTERFIELD and JAMES BUTTERFIELD, Tunstall, Staffordshire, earthenware manufacturers, Oct. 14 and Nov. 6 at 11, Birmingham: Off. Ass. Whitmore; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. d. Sept. 9.

THOMAS LEAVESLEY and HENRY LEAVESLEY, Coventry, Warwickshire, silk dyers (trading under the firm of Leavesley & Son), Oct. 11 and Nov. 7 at 11, Birmingham: Off. Ass. Kinnear; Sols. E. & H. Wright, Birmingham.—Pet. d. Sept. 27.

RICHARD BRADLEY, Handsworth, Staffordshire, broker, Oct. 16 and Nov. 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hodgson & Allen, Birmingham.—Pet. d. Sept. 24.

WILLIAM ROBINSON, Bradford, Yorkshire, grocer, Oct. 18 and Nov. 11 at 11, Leeds: Off. Ass. Hope; Sols. Bowd & Barwick, Leeds; Richardson, Old Jewry-chambers, London.—Pet. d. Sept. 18; f. Sept. 19.

WILLIAM SPENCER and BENJAMIN SPENCER, Bury, Lancashire, stage carriage proprietors, Oct. 16 and Nov. 13 at 12, Manchester: Off. Ass. Pott; Sol. Hewitt, Manchester.—Pet. f. Sept. 20.

JAMES WORRALL, Briersill Head, near Rochdale, Lancashire, licensed victualler, Oct. 15 and Nov. 5 at 12, Manchester: Off. Ass. Hernaman; Sol. Standing, jun., Rochdale.—Pet. f. Sept. 20.

#### MEETINGS.

*Henry Wakeham Stear*, Broad-street, City, lace warehouseman, Oct. 15 at half-past 1, London, aud. ac.—*Richard Ferris*, Bristol, and *James Henry Butler* and *John Butler*, Liverpool, merchants, Oct. 11 at 11, Liverpool, aud. ac.—*Joshua Fletcher Lacey*, Birkenhead, and *Leonard Addison*, Abbotts Grange, Cheshire, printers, Oct. 11 at 11, Liverpool, aud. ac. joint est., and aud. ac. sep. est. of *Joshua Fletcher Lacey*.—*John Turner* the younger, Little Ormond-street, Middlesex, licensed victualler, Oct. 30 at half-past 1, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Joseph Smith*, Greenwich, Kent, ironmonger, Oct. 23 at half-past 12, London.—*William Cash*, High-street, Portland-town, Middlesex, and Peterborough, Northamptonshire, grocer, Oct. 24 at 11, London.—*Wm. Smith* and *Wm. F. Patient*, Bermondsey New-road, Surrey, tanners, Oct. 24 at 12, London.—*George Wall*, Canterbury, Kent, common brewer, Oct. 22 at 2, London.—*James Cressey*, Wakefield, Yorkshire, grocer, Nov. 11 at 11, Leeds.—*William Harrison*, Barnsley, Yorkshire, tailor, Nov. 11 at 11, Leeds.—*George William Seager*, High-street, Newton Butts, Surrey, licensed victualler, Oct. 22 at half-past 1, London.

*To be granted, unless an Appeal be duly entered.*

*Emanuel Jacobs*, Long-lane, West Smithfield, City, stationer.—*Samuel Webb*, Sudbury, Suffolk, builder.—*Thomas Symons*, Princes-terrace, Caledonian-road, Islington, and St. John-street, Clerkenwell, Middlesex, leather seller.—*Wm. Gunnell* and *John Browne*, Landport, Hampshire, biscuit manufacturers.—*George Scott*, Alpha Works, Cubitt-town, Isle of Dogs, Middlesex, engineer.—*Nils Ihlen* and *Frederick Engebrethsen*, Great Tower-street, City, and Russell-street, Rotherhithe, Surrey, ship chandlers.—*Frederick John Skinner*, Thurlow-place, Hackney-road, Middlesex, designer in embroidery.—*George Hornsey*, Southampton, gasfitter.—*Thomas C. Barber*, Gravesend; Grays, Essex; and Enfield, Middlesex, carrier.—*Henry Edward Spark*, Oxford-street, Middlesex, carver.—*Augustus W. Voigt*, Cheltenham, Gloucestershire, dealer in pianofortes.

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*William H. Daignan* and *John Eberworth*, Walsall and Wednesbury, Staffordshire, attorneys and solicitors.

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## GAZETTES.—FRIDAY, Oct. 4.

## BANKRUPTS.

JOEL PETERS, *Lee, Kent*, builder, Oct. 17 at 11, and Nov. 21 at 1, London: Off. Ass. Johnson; Sol. Mote, 33, Bucklersbury.—Pet. f. Oct. 3.

HENRY KELLY, *Dale-place, Wandsworth, Surrey*, builder, Oct. 15 at 11, and Nov. 14 at 1, London: Off. Ass. Johnson; Sol. Proudfoot, 24, John-street, Bedford-row.—Pet. f. Oct. 1.

CHARLES DUFF, *Park-road, Peckham, Surrey*, late of Crane-court, Fleet-street, City, printer, Oct. 15 and Nov. 14 at 2, London: Off. Ass. Johnson; Sol. Kemp, 40, Henrietta-street, Covent-garden.—Pet. f. Aug. 30.

JAMES BREWSTER GRAY, *Bromley, Middlesex*, draper, Oct. 17 and Nov. 8 at half past 1, London: Off. Ass. Whitmore; Sols. Prall & Nickinson, 19, Essex-street, Strand.—Pet. f. Oct. 3.

JAMES NUTT, *Cheapside, City*, silversmith, Oct. 19 at half-past 12, and Nov. 14 at 1, London: Off. Ass. Pennell; Sol. Solomon, 22, Finsbury-place, London.—Pet. f. Sept. 24.

WILLIAM WILLINS, *Norwich*, scrivener, Oct. 19 at 1, and Nov. 20 at 12, London: Off. Ass. Pennell; Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury, London.—Pet. f. Sept. 25.

CHARLES WATERS BANKS, *Chapter-house-court, City*, and *Dover-road, Southwark*, printer, Oct. 14 at 2, and Nov. 14 at 11, London: Off. Ass. Pennell; Sol. Mote, 33, Bucklersbury.—Pet. f. Oct. 3.

WILLIAM BROWN LEA, *Leek, Staffordshire*, brewer, Oct. 18 and Nov. 7 at 11, Birmingham: Off. Ass. Kinnear; Sols. Southall & Nelson, Birmingham; Richardson, 15, Old Jewry-chambers, London.—Pet. d. Sept. 28.

ROBERT MANDERS, *Exeter*, tailor, Oct. 17 and Nov. 21 at 12, Exeter: Off. Ass. Hirtzel; Sol. Willasford, Exeter.—Pet. f. Oct. 2.

CHARLES BUTTERY, *York*, draper, Oct. 14 and Nov. 11 at 11, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds; Sole & Co., 68, Aldermanbury, London.—Pet. d. Sept. 20.

## MEETINGS.

*Elias Mansfield*, *Chesterton, Cambridgeshire*, boatwright, Oct. 31 at 2, London, last ex.—*Thomas Leeks*, *Norwood, Surrey*, contractor, Oct. 18 at half-past 11, London, last ex.—*Arthur Duffie Kidd*, *Fore-street and Cripplegate-buildings, City*, straw-hat manufacturer, Oct. 16 at 12, London, last ex.—*Frederick Warras Fitt*, *Selbourne, near Alton, Hampshire*, machinist, Oct. 16 at 11, London, last ex.—*Joseph John Connihan and Maximilian Lindt*, *Fenchurch-street, City*, Oct. 22 at half-past 11, London, last ex.—*Nathan Aaron Joseph*, *Vine-street, Minorities, City*, importer of foreign goods, Oct. 16 at 2, London, last ex.—*Joseph Samuel Parsons*, *Brentford and Uxbridge, Middlesex*, watchmaker, Oct. 18 at 12, London, last ex.—*George Barnett*, *Felix-terrace, Liverpool-road, Islington, Middlesex*, butcher, Oct. 18 at 12, London, last ex.—*William James Epps*, *Maidstone, Kent*, nurseryman, Oct. 18 at half-past 12, London, last ex.—*Thomas Edge*, *Great Peter-street, Vincent-square, Westminster*, gas-meter manufacturer, Oct. 16 at 1, London, last ex.—*James Randall*, *Byfleet, near Cobham, Surrey*, victualler, Oct. 22 at 1, London, last ex.—*R. Baker*, *Ipsley, Warwickshire*, needle dealer, Oct. 18 at 11, Birmingham, aud. ac.—*Edwin Booth*, *Priors Lee, near Shifnal, Shropshire*, maltster, Oct. 16 at 11, Birmingham, aud. ac.—*Samuel Hill*, *Hanley, Stoke-upon-Trent, Staffordshire*, furniture dealer, Oct. 16 at 11, Birmingham, aud. ac.—*John Plimley Edwards*, *Birmingham*, merchant, Oct. 16 at 11, Birmingham, aud. ac.—*Joseph Mills*, *Stratford-upon-Avon, Warwickshire*, builder, Oct. 18 at 11, Birmingham, aud. ac.—*John Shaw Walker*, *West Bromwich, Staffordshire*, licensed victualler, Oct. 18 at 11, Birmingham, aud. ac.—*Wm. Seymour Marshall*, *Durham*, cooper, Oct. 23 at 11, Newcastle-upon-Tyne, aud. ac.; Oct. 25 at 11, *fin. div.*—*Wm. Buddie*, *Delamere-terrace, Paddington, Middlesex*, builder, Oct. 29 at 12, London, *div.*—*Alfred Spence*, *Chilworth, near Guildford, Surrey*, paper manufacturer, Oct. 29 at 12, London, *div.*—*Jas. Bolton Robertson*, *South Shields, Durham*, draper, Oct. 31 at 11, Newcastle-upon-Tyne, *fin. div.*—*John Watson Hamilton*, *Birmingham*, stockbroker, Oct. 31 at 11, Birmingham, *div.*

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Mary Ann Pilon Jones*, widow, *Buckingham-st., Strand, Middlesex*, licensed victualler, Oct. 25 at half-past 11, London.—*Henry Henson Henson*, *Watford, Hertfordshire*, contractor, Oct. 30 at half-past 2, London.—*Robt. Patch*, *Lewisham, Kent*, grocer, Oct. 30 at 1, London.—*John Liveridge*, *Tabernacle-walk, Shoreditch, and Devon-villas, Buckingham-road, De Beauvoir-town, Middlesex*, wheelwright, Oct. 25 at 12, London.—*Joseph Hetherington*, *Gordon-lane, Kentish-town, Middlesex*, licensed victualler, Oct. 30 at 2, London.—*Thomas Lambert*, *York*, bookseller, Nov. 4 at 11, Leeds.

To be granted, unless an Appeal be duly entered.

*Richard Hoake*, *Shoe-lane, City*, baker.—*S. J. Wood*, *Millwall, Middlesex*, cement manufacturer.—*Wm. Henry Blackmore*, *Dean-street, Soho-square*, plumber.—*Henry H. Chambers and Frederick R. Parsons*, *Worthing, Sussex*, wine merchants.—*Samuel Carter*, *Fen Stanton, near St. Ives, Huntingdonshire*, corn merchant.—*J. Joseph*, *Houndsditch, City*, and *Alton-terrace, Albion-road, Dalston, Middlesex*, importer of foreign goods.—*John S. Walker*, *West Bromwich, Staffordshire*, licensed victualler.—*Thomas Backe*, *Bridgenorth, Shropshire*, timber dealer.—*Jas. Shipway and Henry Mander*, *Great Malvern, Worcestershire*, surveyors.

## PETITIONS ANNULLED.

*Bleasner P. Robertson*, *Gloucester*, innholder.—*William Conway James*, *Llanvrecrha Lower, Monmouthshire*, the-plate manufacturer.

## SCOTCH SEQUESTRATIONS.

*David Adams*, *Kirriemuir*, saddler.—*Andrew Johnston*, *Glasgow*, tailor.—*David Neil*, *Rutherglen*, wright.—*James A. Brown and James M'Laren*, *Glasgow*, paper hangings merchants.—*Duff Ellis*, *Bush, Aberdeenshire*, farmer.—*J. Scott*, *Girvan, Ayrshire*, grocer.

## TUESDAY, Oct. 8.

## BANKRUPTS.

ISAAC NOAH DAVIS, *Brentford, Middlesex*, distiller, Oct. 17 and Nov. 17 at 1, London: Off. Ass. Bell; Sol. Nicholson, 48, Lime-street, City.—Pet. f. Oct. 7.

JOSIAH HENRY PAICE, *Fenchurch-street, City*, shirt maker, Oct. 17 and Nov. 15 at 2, London: Off. Ass. Johnson; Sol. Pook, *Basinghall-street*.—Pet. f. Oct. 5.

WILLIAM EPWORTH TUKE, *St. Dunstan's-hill, City*, wine broker, Oct. 19 at half-past 11, and Nov. 15 at 12, London: Off. Ass. Whitmore; Sols. Crosley & Burn, 34, Lombard-street.—Pet. f. Oct. 5.

HENRY CORKE, *Tunbridge Wells, Kent*, tailor, Oct. 19 and Nov. 20 at 1, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Oct. 4.

RICHARD CASE, *Bethnal-green-road, Middlesex*, builder, Oct. 21 at 1, and Nov. 20 at half-past 1, London: Off. Ass. Pennell; Sol. Holmes, 8, Southampton-street, Bloomsbury, London.—Pet. f. Oct. 7.

WILLIAM EDWARD NEEVE MARRIOTT, *Swaffham, Norfolk*, tailor, Oct. 23 at 11, and Nov. 22 at 12, London: Off. Ass. Pennell; Sol. Plimsaul, 7, South-square, Gray's-inn, London.—Pet. f. Oct. 8.

EDWARD NELSON, *Birmingham*, coal dealer, Oct. 18 and Nov. 7 at 11, Birmingham: Off. Ass. Whitmore; Sols. Southall & Nelson, Birmingham.—Pet. d. Oct. 4.

WILLIAM OLIVE HULBERT, *Gloucester*, tailor, Oct. 21 at 12, and Nov. 18 at 11, Bristol: Off. Ass. Acranman; Sols. Lovegrove & Son, Gloucester.—Pet. f. Oct. 4.

BERNARD JAMES WEBBER, *Newton Abbot, Devonshire*, engineer, Oct. 22 and Nov. 27 at 12, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. Oct. 4.

WILLIAM ELLISDON, *Bradford, Yorkshire*, stuff merchant, Oct. 25 and Nov. 14 at 11, Leeds: Off. Ass. Young; Sols. Watson, Bradford; Bond & Barwick, Leeds.—Pet. d. and f. Oct. 5.

WILLIAM CLOUGH, *Birkenhead, Cheshire*, tailor, Oct. 22 and Nov. 8 at 11, Liverpool: Off. Ass. Turner; Sol. Samuel, Liverpool.—Pet. f. Oct. 5.

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## THE JURIST.

LONDON, OCTOBER 12, 1861.

WE return to the subject of the statutes passed in the recent session of Parliament for the consolidation and amendment of the criminal law.

The statutes before us were not merely passed through Parliament in the regular way; but in the House of Commons the bills on which they are founded were referred to a select committee of thirty-one members, consisting of most of the eminent lawyers in the House, whether of the English or Irish Bar, six of whom, however, did not take their seats upon it. In this committee, and afterwards in the House itself, considerable differences of opinion prevailed on particular clauses, and among others the 24 & 25 Vict. c. 100, s. 4, relative to the offence of conspiring or soliciting to murder. By the common law this offence was a misdemeanour, but in Ireland had been erected into a felony by a statute affecting that country; and in the bill on which the statute before us is founded it was proposed to make the offence felony in England also. This was afterwards altered, and the offence constituted a misdemeanour, in terms to which we shall presently refer.

In the course of the debate one honourable member, who was at first opposed to this alteration, remarked, that after all the difference was not material, seeing that, although called a misdemeanour, the punishment of ten years' penal servitude might be inflicted for it—a punishment equal to that of many felonies,

and exceeding that of many others. To a certain extent this observation was a just one; but the act in this respect only presents another instance of a practice which has been very prevalent in the legislation of modern times, namely, the confounding together the offences of felony and misdemeanour, which in our ancient law were kept so distinct. Nothing, as appears to us, can be more correct than both the views and nomenclature of our common law on this subject. The singularly accurate expression "misdemeanour" simply implies that a man has misconducted himself, and justice will inflict punishment if appealed to; while the expression "felony" is applied to a very limited class of offences, the condemnation for which carries *forfeiture*, not merely of lands or goods, but of social position, and perhaps even of existence. Against these latter the common law declared a war of extermination. It is said to such culprits, "We and you cannot exist in the same state of society, and we will root you out of it." Following up this view, a felony could not be compounded; those who sheltered the criminal were punishable; those who knew of a felony were bound to disclose it; and all rights of action and all misdemeanours became merged in it. That the line between felony and misdemeanour was in all cases correctly drawn we do not affirm; but one great employment of the legislators of more recent times seems to have been to break down all demarcation between them. The tendency of this is to destroy in the minds of the population the old instinctive horror of felony which existed among our ancestors; and the best comment on it is



the number, the wickedness, and the audacity of our criminals. And nothing can be more erroneous than to look on this as a technicality peculiar to the common law of England, or a relic of barbarism which it is part of the mission of modern civilisation to extinguish. On the contrary, this division typifies a distinction existing in the nature of things—one to which the common sense of mankind has generally subscribed, and which is to be found in the laws of most countries, not excepting those two famed instances of modern legislation, the Code Napoléon\* and the Criminal Code of Louisiana†, viz. that some offences are of a heinous character, and threaten the existence of society, while others are of a more venial nature.

Our readers doubtless remember the celebrated case of Dr. Bernard, who was tried at the Central Criminal Court in the spring of 1858 as the accomplice of Orsini and others in their attempt on the life of the Emperor of the French. The acquittal of the accused on the facts rendered unnecessary a judicial decision on the point of law presented by the case—a point which occasioned much doubt at the time, and which will be found discussed by Mr. Fitzjames Stephen in the papers of the Juridical Society, vol. 2, p. 67. Dr. Bernard was indicted under the 11 & 12 Vict. c. 46, s. 1, and the 9 Geo. 4, c. 31, s. 7. The former of these enacts, that “if any person shall become an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any statute made or to be made, such person may be indicted, tried, convicted, and punished in all respects as if he were a principal felon.” And the latter, “If any of his Majesty’s subjects shall be charged in England with any murder or manslaughter, or with being accessory before the fact to any murder, or after the fact to any murder or manslaughter, the same being respectively committed on land out of the United Kingdom, whether within the king’s dominions or without, it shall be lawful for any justice of the peace of the county or place where the person so charged shall be, to take cognisance of the offence so charged, and to proceed therein as if the same had been committed within the limits of his ordinary jurisdiction; and if any person so charged shall be committed for trial, or admitted to bail to answer such charge, a commission of oyer and terminer under the Great Seal shall be directed to such persons, and into such county or place, as shall be appointed by the Lord Chancellor, &c., for the speedy trial of any such offender; and such persons shall have full power to inquire of, hear, and determine all such offences within the county or place limited in their commission, by such good and lawful men of the said county or place as shall be returned before them for that purpose, in the same manner as if the offences had been actually committed in the said county or place,” &c.: “provided also, that nothing herein contained shall prevent any person from being tried in any place out of this kingdom for any murder or manslaughter committed out of this kingdom, in the same manner as such person might have been tried before the passing of this act.”

The doubt that arose was, whether these acts applied to the case of an alien in this country being accessory before the fact to murder committed abroad by another alien on a third. Both the above statutes are repealed by the 24 & 25 Vict. c. 95. By the 24 & 25 Vict. c. 94, the 11 & 12 Vict. c. 46, s. 1, is re-enacted; while the 9 Geo. 4, c. 31, is replaced by the 24 & 25 Vict. c. 100, s. 4, already mentioned, which seems worded with the view of avoiding this difficulty, and is as follows:—“All persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of her Majesty or not, and whether he be within the Queen’s dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person to murder any other person, whether he be a subject of her Majesty or not, and whether he be within the Queen’s dominions or not, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not more than ten and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.” But neither the repealed acts nor the consolidation acts touch an important question suggested by Dr. Bernard’s case, viz. whether a conspiracy in this country by foreigners or others to overturn the government of a foreign country with which this country is on terms of amity is cognisable by our jurisprudence. We, however, make no doubt that such conduct, being, as it is, a violation of the law of nations, and manifestly calculated to embroil and lead us into war with other States, is punishable as a high misdemeanour by the common law. (See, on this subject, 4 Jur., N. S., part 2, p. 199).

Three of these statutes (24 & 25 Vict. c. 96, s. 119; c. 97, s. 75; c. 100, s. 70) contain the following excellent provision:—“Whenever whipping may be awarded for any indictable offence under this act, the court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.” It certainly was a monstrous abuse in our law that the effect and severity of this punishment depended entirely on the caprice of a jailor, or at best on some system of prison discipline, of which the law and the courts took no cognisance. But just see the anomalous position in which the whole subject stands now. Not one of the acts before us makes any general provision on the subject; their provision respecting it only relates to “indictable offences under this act.” Now, there are other acts by which the punishment of whipping is allowed—e. g. the 5 & 6 Vict. c. 51, s. 2, for attempts to alarm or injure the Queen; to such, of course, the recent legislation does not apply, and the pre-existing law remains in all its mischievous absurdity.

The stat. 24 & 25 Vict. c. 94, “to consolidate and amend the statute law relating to accessories and abettors of indictable offences,” is worth attention. In treason there are no accessories, all persons involved in that high offence being looked on by the law as principals. By the common law, also, the doctrine of accessories does not apply to misdemeanours; and this statute enacts (sect. 8), “Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanour, whether the same be a misdemeanour at common law or by virtue of any act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal offender.” It is only, therefore, in the intermediate class of offences—“felonies”—that the doctrine of principal and accessory applies. By the common law, an accessory could not without his own consent, unless tried with the principal, be

\* Code Pénal, Dispositions Préliminaires, &c.

† Crim. Code of Louisiana, book 2, tit. 1, c. 1.

brought to trial until the guilt of the principal had been legally ascertained. (Arch. Cr. Pl. 8, 12th ed.) The obvious and great inconveniences of this caused several statutes to be passed, extending the law and jurisdiction of the courts with respect to accessories; viz. the 7 Geo. 4, c. 64, ss. 9, 11; the 11 & 12 Vict. c. 46, ss. 1, 2; and the 14 & 15 Vict. c. 100, s. 15. These are all repealed by the 24 & 25 Vict. c. 96, and re-enacted by the 24 & 25 Vict. c. 94, as follows:—

Sect. 1 (re-enacting the 11 & 12 Vict. c. 46, s. 1). "Whoever shall become an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal felon."

Sect. 2 (re-enacting the 7 Geo. 4, c. 64, s. 9). "Whoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, shall be guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished."

Sect. 3 enacts, "Whoever shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished." This is a re-enactment of the 11 & 12 Vict. c. 46, s. 2, with the omission of this provision at the end of that statute:—"Provided always, that no person who shall be once duly tried for any such offence, whether as an accessory after the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence."

Sect. 5 (re-enacting the 7 Geo. 4, c. 64, s. 11) enacts, "If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die, or be pardoned, or otherwise delivered before attainer; and every such accessory shall, upon conviction, suffer the same punishment as he would have suffered if the principal had been attainted."

Sect. 6 (re-enacting the 14 & 15 Vict. c. 100, s. 15). "Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice."

On looking generally at the repealing statute, 24 & 25 Vict. c. 96, we shall find that by it between thirty and forty acts are totally, and about seventy partially, repealed, and their provisions more or less re-enacted. Among the former are the acts known by the name of "Peel's Acts"—the 7 & 8 Geo. 4, cc. 29, 30, and 9

Geo. 4, c. 31, &c.; together with the corresponding statutes relating to Ireland—the 9 Geo. 4, cc. 55, 56, and 10 Geo. 4, c. 34, &c.; the 12 & 13 Vict. c. 76, to prevent the defilement of young women, commonly known by the title of "the Bishop of Oxford's Act"; the Fraudulent Trustees Act, 20 & 21 Vict. c. 54, &c.

There are some defects in former statutes which ought to have been remedied in these consolidation acts. The stat. 25 Hen. 8, c. 6 (revived by the 5 Eliz. c. 17), to provide for the punishment of unnatural offences, describes sodomy as an offence committed by man with mankind or with *beast*; on the construction of which it was held that unnatural connexion with an animal of the "fowl" kind was not within the statute, a "fowl" not coming under the term "beast." (*Rea v. Mulready*, 1 Russ. Cr. 568). In order to remedy this, the 9 Geo. 4, c. 31, repealed the two former acts, and, in sect. 15, extended the definition to the offence committed "with mankind or with any animal." By an act passed the year before, the 7 & 8 Geo. 4, c. 29, ss. 8, 9, and with the 9 Geo. 4, c. 31, forming part of the code known by the name of "Peel's Acts," severe punishment was denounced against the endeavouring to extort money, &c. by threatening to accuse any person with an "infamous crime;" and the statute then proceeded to define what was such a crime, declaring it to be "the abominable crime, &c. committed with mankind or with *beast*." According to this it would seem that the imputing to a person the commission of this abominable crime with any of the fowl species is not imputing to him the commission of an infamous crime, within the 7 & 8 Geo. 4, c. 29, ss. 8, 9. Be this as it may, the 24 & 25 Vict. c. 100, s. 61, re-enacts, in its terms, the 9 Geo. 4, c. 31, s. 15; and the 24 & 25 Vict. c. 96, s. 46, re-enacts, in its terms, the 7 & 8 Geo. 4, c. 29, ss. 8, 9.

Various other objections of detail might be taken to these statutes, which will, no doubt, in due time, come before the courts, and on discovery we trust rectified by the Legislature. Still, upon the whole, these statutes are a step in the right direction, and will, especially when taken in conjunction with another statute of the late session, the 24 & 25 Vict. c. 101, "for promoting the revision of the statute law, by repealing divers acts and parts of acts which have ceased to be in force," go far to reduce our statute-book to a reasonable size, and weed it of much tautology, contradiction, and absurdity. As the Legislature, whether wisely or not, seems to have rejected the principle of codification, and adopted that of consolidation and amendment, let us hope that the good work will not be lost sight of, but persevered in—slowly, it may be, but surely—until it is thoroughly accomplished; and that our rulers will not fall into the mischievous error of believing, that because the first steps in a salutary reform have been taken, the work is entirely done, and all consideration or thought about it may be abandoned for the future.

#### JOINT-STOCK COMPANIES.

IN the month of January of the present year an able paper was read before the Juridical Society (published in its transactions, vol. 2, p. 440) by Nathaniel Lindley, Esq., barrister-at-law, intitled "On some Errors in Legislation, illustrated by the Statutes relating to Joint-stock Companies." Mr. Lindley, as the author of the recent valuable treatise on the law of partnership, is specially qualified to deal with a subject of this nature; but his paper is too long for insertion, and we shall accordingly shew its character by citing a few of the leading passages:—

"A long study of the law relating to companies has

convinced me that its unsatisfactory state, both past and present, is, to a great extent, attributable to a disregard by the Legislature of a few important principles established by writers on jurisprudence and legislation; and it will be my endeavour, in the present paper, to point out the errors which I conceive have been committed. I am induced to enter upon a criticism of the enactments relating to companies by the reflection, that those enactments have, on the whole, failed to establish the law upon a satisfactory basis, and to bring it into a satisfactory state; and by the further reflection, that nothing is more calculated to lead to future improvement than a careful and dispassionate examination of causes of past failures.

"Parliament has dealt with companies in two ways: it has done its best to suppress them altogether, and, finding that impossible, it has endeavoured to regulate them. In both cases the Legislature has acted with a view to the public weal, and in both cases it has committed grievous errors.

"I pass now from the errors committed in legislating against companies to the errors committed in legislating for them.

"Here two great mistakes have been made. First, there has been no unity of plan; and, secondly, there has been a great deal too much enacted. In addition to these, there are other minor faults discoverable in the statutes relating to companies; and, in particular, there is in most of them a deplorable want of clear and precise expression; but this fault, although practically of the greatest consequence, is one on which I do not propose to enlarge.

"With respect to absence of unity in plan. In legislating for companies, Parliament never seems to have considered what was required to make the law suitable to the wants of the public; and yet a little attention paid to this point would have done more than anything else to render legislation successful and easy.

"The want of plan and method which pervades the various statutes relating to companies is not only observable in their several general schemes, but also, and to a still greater degree, in their most important details. If any one is disposed to doubt this, let him try and answer the question—how is a judgment against a company to be enforced? He will find it impossible to give any answer which will be true of more than one particular kind of company. He will have to distinguish one company from another, and to give as many different answers as there are sorts of companies; and yet it is obvious that there is no necessity for all this. There ought to be some one method applicable to all companies without distinction, and by which their members might be compelled to fulfil their engagements.

"But it may be said the laws have been already consolidated, and the want of unity and simplicity complained of has recently been supplied. It is greatly to be wished that this were true; but, in fact, no attempt has yet been made to do more than consolidate, first, the laws relating to those companies which, like railway companies, cannot be carried on without interfering with private property; and, secondly, the laws relating to registered joint-stock companies. But there are numbers of companies to which the laws thus consolidated have no application. There are cost-book mining companies; there are banking companies still governed by the 7 Geo. 4, c. 46; there are chartered companies; there are companies governed by the Letters-patent Act, 7 Will. 4 & 1 Vict. c. 73; and there are numerous insurance and other companies governed by special acts of their own. No attempt

has been made to deal with these; and even the bill brought into Parliament last session, for the purpose of consolidating the laws relating to companies, only dealt with registered companies. What has been wanted from the first, and what is wanted now, is some enactment which shall apply to all companies without exception; nor, if the enactment were confined within proper limits, would there, I conceive, be any serious difficulty in preparing it. So long, however, as Parliament proceeds as it has done, to legislate first for one kind of company, and then for another, consolidating some laws, and leaving others untouched, so long will the law relating to companies retain its unenviable notoriety of being, as it is, so intricate, confused, and perplexing as to defy all attempts thoroughly to understand it.

"Again: in legislating for companies, the very serious error has been committed of descending too much into detail. Every company should be allowed to make its own regulations for the transaction of its own business, and should not be fettered by minute legislative provisions upon matters of detail and of form. The Joint-stock Companies Act of 1844 is full of mistakes of this kind. Besides requiring all sorts of things to be inserted in a company's deed of settlement, and stating with minuteness what a company, when formed, may do, it goes on to specify in detail the rights of the shareholders, and the powers and qualifications of directors, and to make minute provisions for the taking of accounts, the appointment of auditors, the keeping of registers, and other matters of that kind. Legislative enactments of this description cannot be enforced without a supervision which would be utterly intolerable; nor can the non-observance of them be punished without arousing a general feeling of disgust. They are wholly out of place, and their only practical effect is to throw doubts on the validity of bona fide transactions, and to encourage dishonest people to repudiate their own acts on the ground of some want of conformity with statutory regulations. A vast amount of litigation has been created, and injustice done, by reason of the enactments prescribing the form in which contracts shall be made and shares be accepted; and it would be, probably, not very erroneous to say, that the whole of this litigation and injustice might have been prevented if no such enactments had been made.

"Moreover, enactments of the nature now alluded to are bad, because they cannot be practically carried out.

"I quite admit that it should be incumbent on companies to keep accounts and registers, and that the shareholders should have some clearly-defined rights, whether they have expressly stipulated for them or not; and I am not prepared to deny the expediency of compelling companies to publish periodical statements of their affairs. But what I am desirous of pointing out is, that the Legislature ought to issue no commands which it is impossible to enforce, and the non-observance of which it is inexpedient to punish; and that this principle has not been kept in view in legislating for companies. The more minutely the sovereign power prescribes how things are to be done, the more it trammels its subjects; and when it attempts to lay down rules for carrying on ordinary business, it inevitably does much more harm than good. Such matters are wholly unfit for legislation; and, with a very few exceptions, I think it may be truly said, that every law requiring a particular form to be observed in transacting the ordinary affairs of life is neither more nor less than a public nuisance.

"The mistake of descending too much into detail has been, to some extent, avoided in the Joint-stock

Companies Act of 1856, and the device there had recourse to, of appending to the act a set of regulations, which may be either adopted or not, is ingenious and useful. The regulations, not being enacted by the Legislature, may be modified by every company, as occasion may require; and as they have not the force, so neither have they the rigidity, of rules set by the law-giving power. This is a considerable step in the right direction; but much yet remains to be done.

"The foregoing observations, on the evil of descending too much into detail, apply nearly as forcibly to companies' deeds of settlement and regulations as to acts of Parliament.

"The remarks I have made upon the errors committed by the Legislature in dealing with companies apply, it will be observed, to companies as going concerns. But when we turn to what has been done to facilitate the dissolution and winding up of companies unable to carry on their business, we shall find that even still greater mistakes have been made. Most persons who know anything of the practical working of the celebrated Winding-up Acts of 1848 and 1849 will agree in saying that they were productive of almost unmingled evil.

"It was hoped that, by the acts in question, a company of many shareholders might be dissolved and wound up as easily as a partnership of few members, allowance being of course made for increased difficulties consequent on increased numbers of persons concerned. How these hopes have been disappointed—how shareholders, instead of being benefited by the acts, have been ruined by the frightful expense consequent on their application—are matters which are unfortunately only too well known. To what is all this attributable? Mainly, I believe, to the commission of the three following errors, viz.—first, the error of allowing creditors to sue individual shareholders during the pendency of the winding-up proceedings; secondly, the error of allowing the same company to be wound up in bankruptcy, and also and at the same time in Chancery; and, thirdly, the error of intrusting the winding up of companies to persons not sitting in public, and not interested in bringing the proceedings to a speedy termination. The first two of these errors have, however, been recently corrected, and the evil arising from the third has been considerably mitigated; and since creditors have been restrained from levying execution against the members of their debtor companies which are being wound up, and since official managers have been brought more under the direct control of the equity judges, the evils before complained of have been greatly diminished. In the practical working of the Winding-up Acts there is, however, still great room for improvement."

#### BOOKS RECEIVED.

The Game Laws of the United Kingdom; comprising the whole of the Law on the Subject; with Introduction, Cases, Notes, and Index. By James Paterson, Esq., M.A., of the Middle Temple, Barrister-at-Law. 12mo., pp. 278.—Shaw & Sons.

Rules, Formulae, and Tables for the Valuation of Estates in Possession or in Reversion; with New Rules and Tables for ascertaining the correct Market Value or Fair Price to be given for Annuities, Reversions, Advowsons, and next Presentations, in order to secure to the Purchaser a certain Rate of Interest on equitable Terms. By W. Downing Beden, F.G.S., Actuary, &c. Post 8vo., pp. 112.—O. & E. Layton.

The Bankruptcy Act, 1861; incorporating so much as remains in force of the 12 & 13 Vict. c. 106, the Bankrupt-law Consolidation Act, 1849; of the 15 & 16

Vict. c. 77; and of the 17 & 18 Vict. c. 119: with an Appendix, containing the 7 & 8 Vict. c. 70, the 23 & 24 Vict. c. 33, and so much as remains in force of the General Rules and Orders under the Bankrupt-law Consolidation Act, 1849. With Notes. By William Haalitt, Esq., of the Middle Temple, a Registrar of the Court of Bankruptcy, and Henry Philip Roche, Esq., of Lincoln's Inn, Barrister-at-Law. 12mo., pp. 398.—Stevens & Sons; Sweet; and Maxwell.

The Right Hon. Sir William Erle, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Philip William Lovett, Gent., of Guildford, Surrey, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women in and for the county of Surrey.

HENRY WILLIAM JONES, Wrexham, Denbighshire, draper, Oct. 21 and Nov. 8 at 12, Liverpool: Off. Ass. Bird; Sols. Evans & Co., Liverpool; Buckton, Wrexham.—Pet. f. Oct. 4.

THOMAS HOWARD, Ormakirk, Lancashire, earthenware dealer, Oct. 21 and Nov. 11 at 11, Liverpool: Off. Ass. Morgan; Sols. Forshaw & Goodman, Liverpool.—Pet. f. Oct. 2.

JOSEPH TAYLOR, Hanging Ditch, Manchester, grocer, Oct. 18 and Nov. 21 at 12, Manchester: Off. Ass. Pott; Sol. Richardson, Manchester.—Pet. f. Sept. 28.

#### MEETINGS.

Thomas Joseph Moss, Edgware-road, Hyde-park, Middlesex, jeweller, Oct. 24 at 11, London, aud. ac.—Emanuel Paracelsus Hollingshead, Cheltenham, Gloucestershire, tailor, Oct. 17 at 11, Bristol, aud. ac.—John Evans, Lampeter, Cardiganshire, cattle dealer, Oct. 17 at 11, Bristol, aud. ac.—Joseph Russell, Larkhall-lane, Clapham, Surrey, job master, Oct. 31 at 11, London, div.—Thomas Lewis Ingram, Lupus-street, Pimlico, Middlesex, merchant, Nov. 7 at 1, London, div.—Thomas Dean, Barnes, Surrey, and King's Bench-walk, Temple, London, scrivener, Oct. 30 at half-past 12, London, div.—Joshua Le Mare and William Close Currie, Broad-st.-buildings, City, merchants, Oct. 30 at 12, London, div. sep. ests.—Charles Jacob, Ingram-court, Fenchurch-st., City, merchant, Oct. 30 at half-past 12, London, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

Solomon Lindo, Westbourne-grove, Bayswater, Middlesex, merchant, Oct. 30 at 11, London.—Demetrius Stephen Pezzali and George Stephen Pezzali, Great Tower-street, City, merchants, Oct. 31 at 11, London.—Nathaniel Shattellwell Dodge and Raffaello Louis Giandonati, St. Paul's-church-yard, City, dealers in India rubber goods, Nov. 7 at 12, London.—David Goodman, Cardiff, Glamorganshire, watchmaker, Nov. 4 at 11, Bristol.—Matthew Dixon Robinson, Oldbury, Worcestershire, grocer, Nov. 14 at 11, Birmingham.—Samuel Henry Beck, Birmingham, milliner, Nov. 14 at 11, Birmingham.—John Bruton, Hereford, corachandler, Nov. 14 at 11, Birmingham.—Hamlet Beardmore, Burslem, Staffordshire, joiner, Nov. 14 at 11, Birmingham.

To be granted, unless an Appeal be duly entered.

Isaac Antoine Chomel, St. James's-street, Westminster, Middlesex, jeweller.—John George Andrews, Charles-street, Hatton-garden, Middlesex, licensed victualler.—John Joseph Ross, Duke-street, Manchester-square, Middlesex, ecclesiastical repository.—John Alexander Mowat, Crawford-street, St. Marylebone, Middlesex, shoemaker.—Joseph Petford, Ferdinand-place, Hampstead-road, Middlesex, smith.—Frederic Rundall, Muscovy-court, Tower-hill, City, wine merchant.

#### PETITION ANNULLED.

William Ronald, Manchester, warehouseman.

#### SCOTCH SEQUESTRATIONS.

Archibald McIntyre, Glasgow, clothier.—Gardner & Lindsay, Stirling, millwrights.—John Nicholson, Kyleakin, Island of Skye, Inverness-shire, merchant.—William Dallas, Newton of Cawdor, Nairnshire, merchant.—Henry Parnell, Dumbarton, joiner.

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## GAZETTES.—FRIDAY, Oct. 11.

## BANKRUPTS.

- ISAAC NOAH DAVIS, Brentford, Middlesex, distiller, Oct. 17 and Nov. 15 (and *not* Nov. 17, as advertised in the Gazette of the 8th inst.) at 1, London: Off. Ass. Bell; Sol. Nicholson, 48, Lime-street, City.—Pet. f. Oct. 7.
- FRANK JUDD, Charing-cross, Middlesex, tobacconist, Oct. 24 and Nov. 22 at 11, London: Off. Ass. Whitmore; Sol. Abraham, 17, Gresham-street.—Pet. f. Oct. 1.
- WILLIAM HENRY CHILD, Brighton, Sussex, builder, Oct. 24 at half-past 11, and Nov. 22 at 12, London: Off. Ass. Cannon; Sol. Snell, 1, George-street, Mansion-house.—Pet. f. Oct. 10.
- ROBERT WADDE, Devonshire-terrace, Notting-hill, Middlesex, grocer, Oct. 23 at 12, and Nov. 22 at 1, London: Off. Ass. Pennell; Sols. Mathews & Co., 102, Leadenhall-street, London.—Pet. f. Oct. 7.
- WILLIAM HENRY CULVERHOUSE, Bunhill-row, Finsbury, Middlesex, manufacturing joiner, Oct. 23 at 1, and Nov. 27 at 12, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry, London.—Pet. f. Oct. 11.
- GUSTAVUS FREDERICK RAUCH, Huggin-lane, Wood-street, City, warehouseman, Oct. 23 at half-past 12, and Nov. 23 at half-past 11, London: Off. Ass. Pennell; Sol. Abraham, 17, Gresham-street, London.—Pet. f. Sept. 26.
- WILLIAM BOND, Bristol, victualler, Oct. 22 and Nov. 25 at 11, Bristol: Off. Ass. Miller; Sols. Clifton & Benson, Bristol.—Pet. f. Sept. 30.
- WILLIAM MERCER, Rossett, Denbighshire, brewer, Oct. 23 and Nov. 11 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Co., Liverpool; Jones, Wrexham.—Pet. f. Oct. 10.

## MEETINGS.

*Richard Jury Bayfield and Joseph Vernon Needham*, Birmingham, gun manufacturers, Oct. 28 at 11, Birmingham, last ex. sep. est. of *Richard Jury Bayfield*; Nov. 4 at 11, div. joint est.—*Sir Robert Graham*, Bart., London, *John Railton*, Manchester, and *Joseph Railton and John Young*, London, merchants, Oct. 30 at 12, Manchester, aud. ac. joint est., and aud. ac. sep. est. of *John Railton*.—*Henry Houghton*, Friday-street and Watling-street, City, merchant, Nov. 1 at half-past 12, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Adams*, Red-hill, Surrey, grocer, Nov. 14 at 12, London.—*James Martin*, Faversham, Kent, watchmaker, Nov. 5 at half-past 12, London.—*Samuel Vagg*, Gower-place, Bedford-square, Middlesex, licensed victualler, Nov. 1 at 11, London.—*James Ibbott*, Somersham, Huntingdonshire, builder, Nov. 1 at half-past 1, London.—*Charles Ashfield*, Hammersmith, boot manufacturer, Nov. 1 at half-past 11, London.—*Arthur Hughes*, Aylesbury, near Ivinghoe, Buckinghamshire, saddler, Nov. 1 at 1, London.—*Charles Foster Robinson*, Sussex-street, Warwick-square, Pimlico, Middlesex, boarding-house keeper, Nov. 2 at half-past 12, London.—*Elisha Spink*, High-street, Whitechapel, Middlesex, eating-house keeper, Nov. 2 at half-past 11, London.—*Elizabeth Copeland*, widow, March, Cambridgeshire, grocer, Nov. 6 at 2, London.—*John Everett*, Little Ilford, Essex, carpenter, Nov. 2 at 1, London.—*Thomas Culleton*, Cranbourn-street, Leicester-square, Middlesex, engraver, Nov. 2 at half-past 11, London.—*Thomas Hale Bennett and Joseph Hale Bennett*, Leckhampton, Gloucestershire, builders, Nov. 4 at 11, Bristol.—*Thomas Roberts*, Newport, Monmouthshire, builder, Nov. 4 at 11, Bristol.—*George Besley*, Highbridge, Somersetshire, innkeeper, Nov. 5 at 11, Bristol.—*Charles Petrie Standing*, Rochdale, Lancashire, ironfounder, Nov. 6 at 12, Manchester.—*William Fawcner*, Kidderminster, Worcestershire, victualler, Nov. 4 at 11, Birmingham.—*George Glazebrook*, Birmingham, plumber, Nov. 6 at 11, Birmingham.—*George Henry Hopkins*, Belper, Derbyshire, auctioneer, Nov. 5 at half-past 11, Nottingham.—*James Stevens*, Derby, jeweller, Nov. 5 at half-past 11, Nottingham.—*George Turner*, New Radford, Nottinghamshire, brewer, Nov. 5 at half-past 11, Nottingham.

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## TUESDAY, Oct. 15.

## BANKRUPTS.

- EDWARD NICHOLSON, Cornhill, City, stockbroker, Oct. 25 at 12, and Nov. 22 at 1, London: Off. Ass. Cannon; Sols. Greville & Tucker, 28, St. Swithin's-lane.—Pet. f. Oct. 4.
- JOHN EUSDEN, Ely, Cambridgeshire, builder, Oct. 28 at 12, London: Off. Ass. Cannon; Sol. Richardson, 15, Old Jewry-chambers.—Pet. f. Oct. 14.
- CHARLES THOMAS INGRAM, late of Tower Royal, City, but now of Gloucester-street, Pimlico, Middlesex, commission agent (trading under the style or firm of Ingram & Co.), Oct. 26 at 12, London: Off. Ass. Cannon; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Oct. 12.
- JOSEPH ULLMANN, Great Russell-street, Bloomsbury, Middlesex, and Walbrook, City, merchant, Oct. 26 at 12, London: Off. Ass. Johnson; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Oct. 12.
- WILLIAM CURTIS, late of Great Berkhamstead, but now of Sarratt Mills, Sarratt, Hertfordshire, rag cutter (late carrying on business under the style or firm of Curtis & Ulrick), Oct. 28 at 12, London: Off. Ass. Bell; Sols. Rhodes & Co., 63, Chancery-lane.—Pet. f. Oct. 14.
- THOMAS PEARSON HESKETH, Newman's-row, Lincoln's-inn-fields, Middlesex, Oct. 26 at 1, London: Off. Ass. Bell; Sol. Badham, 37, New Bridge-street.—Pet. f. Oct. 12.
- ROBERT HICKS, Mortimer-street, Cavendish-square, Middlesex, and Lewisham, Kent, house agent, Oct. 26 at 11, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, City.—Pet. f. Oct. 12.
- JAMES MASON, Ware, Hertfordshire, maltster, Oct. 26 at 12, London: Off. Ass. Pennell; Sol. Batchelor, 1, Guildhall-chambers, Basinghall-street, London.—Pet. f. Oct. 12.
- GEORGE HADLEY, Birmingham, fruiterer, Oct. 28 and Nov. 18 at 11, Birmingham: Off. Ass. Whitmore; Sols. Pemberton, Liverpool; Smith, Birmingham.—Pet. d. Oct. 2.
- WILLIAM LARGE, Tunstall, Staffordshire, grocer, Oct. 28 and Nov. 18 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham; Lawrence & Co., 12, Bread-street, London.—Pet. d. Sept. 27.
- FRANCIS ORMOND, Ouston, Leicestershire, cattle jobber (now a prisoner for debt in the County Gaol at Lincoln), Oct. 31 and Nov. 28 at 11, Nottingham: Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. d. Oct. 10.
- EDWARD JENKINS, Stroud, Gloucestershire, outfitter, Oct. 28 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Oct. 12.

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## THE JURIST.

LONDON, OCTOBER 19, 1861.

SOME of the principal measures passed by Parliament last session for the alteration or amendment of the law, such as the Criminal-law Consolidation Acts, the Bankruptcy and Insolvency Amendment Act, the Charitable Uses Act, and the Statute-law Revision Act, have been already noticed or commented upon at some length in our former numbers; we propose now to notice some of the minor, though by no means unimportant, statutes of last session, which it will be useful for the lawyer to bear in mind in actual practice.

Let us, however, before doing so, reiterate an opinion we have often expressed, that it is much to be regretted that session after session no attempt is made to lessen the bulk of public general statutes, by the publication, in a separate form, of those acts which are of merely a temporary character, such as the Mutiny, Militia Pay, and Appropriation Acts, and of those of a merely private character, interesting only to a few private individuals, or to some not very extensive locality.

In the first place, some of the provisions in an act passed with regard to Bank of England payments (24 Vict. c. 3) deserve notice. It is well known that formerly the Governor and Company of the Bank of England closed their transfer books for a certain number of days prior to the days fixed for the payment of the half-yearly dividends on Government stocks, in order to their convenience in calculating the dividends due to the several proprietors thereof, and preparing the warrants for the same; and during

the period of such closing no transfers were made, except under circumstances of special necessity, and such transfers were attended with great inconvenience, by reason of the stocks so transferred carrying the right to the current half-year's dividend. In order to increase the facilities in the transfer of such stock it is enacted that the Governor and Company of the Bank of England may close the books for the transfer of the several stocks and annuities respectively on any day in the month preceding that in which the dividends thereon respectively shall by law be payable; and the persons who, on the day of the closing of such books, were inscribed as the proprietors of any shares of and in such stocks and annuities respectively, shall, as between them and the transferees thereof, be the persons entitled to the then current half-year's dividend thereon; and the persons to whom any transfer shall be made after the day of the closing of such books shall not be entitled to the then current half-year's dividend on such stock, but shall take the same exclusive of the right to the said half-yearly dividend, provided that the period for which such books of transfer shall be closed shall not exceed fifteen days (sect. 7). Similar provisions are made with reference to the transfer of stock created by the Secretary of State in Council of India, under the authority of certain acts of Parliament (sect. 10). Similar provisions are also by another act (24 & 25 Vict. c. 35) made with reference to stocks and annuities transferable at the Bank of Ireland (sect. 1); and by the same act provision is made for limiting the periods for closing the books of the Banks of England and Ireland against mutual transfers of stocks during the period of three clear days preceding the day or days on which their books shall be respectively

closed for the purpose of dividend, prior to the day or days fixed for payment of the same (sect. 2).

The Courts of Chancery and Common Law having of late years, with regard to the extent both of their jurisdiction and practice, been greatly improved, the *Admiralty Court* has at length met with the attention of the Legislature. The *Admiralty Court Act, 1861* (24 & 25 Vict. c. 10), does much to extend its jurisdiction and improve its procedure. It gives the High Court of Admiralty jurisdiction over claims for building, equipping, or repairing ships, if, at the time of the institution of the suit, the ship or its proceeds were under arrest of the Court (sect. 4); also jurisdiction as to claims for necessities (sect. 5); for damage to cargo imported (sect. 6); for damage by any ship (sect. 7); to decide questions as to ownership, possession, or employment and earnings of ships (sect. 8); as to salvage for life (sect. 9); as to claims for wages, and for disbursements by masters of ships (sect. 10); with regard to claims in respect of mortgages *duly registered*, whether the ship or her proceeds be under the arrest of the Court or not (sect. 11). And the High Court of Admiralty is to have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in England by sects. 62, 63, 64, and 65 of the *Merchant Shipping Act, 1854* (sect. 12); and whenever any ship or vessel, or the proceeds thereof, are under arrest of the Court of Admiralty, such Court is to have the same powers as are conferred upon the High Court of Chancery in England by the ninth part of the *Merchant Shipping Act, 1854* (sect. 13). The Court of Admiralty is, moreover, made a court of record (sect. 14); its decrees and orders are to have the effect of judgments at common law (sect. 15); regulations are laid down as to claims to goods taken in execution (sect. 16); powers of the superior courts of common law to compel answers to interrogatories, and to enforce the production, inspection, and delivery of copies of documents, are conferred upon the High Court of Admiralty (sect. 17); and the jurisdiction conferred by the act may be exercised (sect. 35) either by proceedings in rem or in personam.

With regard to the *excise and stamp duties*, it must be remembered that by the 24 & 25 Vict. c. 21, house agents must be licensed (sects. 11 and 12), or they will be liable to a penalty of 20*l*. Agents, however, employed in the management of *landed estates*, attorneys, solicitors, proctors, writers to the signet, agents, or procurators admitted in any court of law, certificated conveyancers, licensed auctioneers or appraisers, are not forced to take out a license under the act as house agents (sect. 13). The same act also provides that the stamp on a lease of a furnished house may be adhesive, but when used it must be cancelled (sect. 14).

By an act to amend the laws relating to inland revenue (24 & 25 Vict. c. 91), after various provisions as to spirit licenses, refreshment house licenses, and matters of excise, in dealing with the stamp laws an alteration is made in the stamp duties payable on protests and other notarial acts (sect. 25). Stamp duties on letters or powers of attorney, to vote as proxy in certain cases, are reduced to sixpence (sect. 26), and adhesive stamps may be used for them (sect. 27); such stamp duties to be collected under the laws now in force (sect. 28). The duties upon *renewals* or *continuance* of any insurance upon death or personal injury, contained in the 23 & 24 Vict. c. 111, s. 8, are repealed (sect. 29).

On the appointment of new trustees, property which

is the subject of one and the same settlement, or of trusts created for the benefit of the same parties, where several deeds are required, one only is to be charged with the full stamp duty, and the others as duplicates (sect. 30). Provisions are then made for duties on duplicates and counterparts, and progressive duties in certain cases (sect. 31); and with regard to adhesive stamps being affixed and cancelled by an authorised officer of Inland Revenue (sect. 32); and as to the mode of cancelling adhesive stamps (sect. 33).

Bills of sale must be produced stamped on the filing of copies, and all deeds must be stamped before registration (sect. 34).

Another act connected with the revenue has been passed to amend the law for the collection of stamp duties on probates, administrations, inventories, legacies, and successions (24 & 25 Vict. c. 92). One provision in this act requires special notice, viz. the third, which enacts that *no return of stamp duty paid upon any probate or letters of administration in England or Ireland, or any inventory in Scotland, shall be made or allowed in respect of any voluntary debt due from any person dying after the 28th day of June, 1861, which shall be expressed to be payable on the death of such person, or payable under any instrument which shall not have been bonâ fide delivered to the donee thereof three months before the death of such person.*

Another very useful act of last session is the *Act to afford facilities for the better Ascertainment of the Law of Foreign Countries* when pleaded in Courts within her Majesty's Dominions (24 Vict. c. 11). By this act superior courts within her Majesty's dominions may remit a case, with queries, to a court of any foreign state with which her Majesty may have made a convention for that purpose, for the ascertainment of the law of such state (sect. 1); and the court in which such action<sup>\*</sup> depends may apply such opinion to the facts set forth in the case, with power to remit the case to the same or any other superior court in the foreign state, with or without alteration or amendment (sect. 2); and the courts in her Majesty's dominions may pronounce opinions on cases remitted by a foreign court (sect. 3). This act is, in reality, supplemental to a former act (22 & 23 Vict. c. 63), for the more certain ascertainment of the law administered in one part of her Majesty's dominions when pleaded in the courts of another part thereof.

Previously to the passing of these acts the law of other countries out of the jurisdiction of English courts, whether they were part of the realm—as, for instance, Scotland—or the colonies, or a foreign country out of the dominions of the Crown, was proved as a fact by the opinion of members of the bar of such countries; and no person who has paid any attention to the manner in which such facts were laid before the Court by the adverse parties in a suit, but must feel aware that the legal experts consulted on both sides, unconsciously no doubt, were apt rather to consider the matter submitted to them as the advocates of those who consulted them, than as jurists giving an impartial and judicial opinion, so that on many occasions the conflict of opinion on foreign law tended rather to embarrass than to enlighten the Court. This state of things the two acts we have last noticed will, in all probability, especially in cases of great importance and involving large interests, do much to remedy.

In a subsequent number we propose to call attention to the other acts of last session useful to be borne in mind.

\* By the interpretation clause the word "action" includes every judicial proceeding instituted in any court, civil, criminal, or ecclesiastical.

## REGULÆ GENERALES.

THE BANKRUPTCY ACT, 1861 (24 & 25 VICT.  
c. 134, s. 45).

## GENERAL ORDERS.

It is ordered as follows; that is to say—

*As to Petitions.*

1. Petitions for adjudications of bankruptcy filed in the court in London shall forthwith after the filing thereof be directed by the chief registrar, or registrar acting for him, to the commissioners of the court in rotation. A second petition by or against the same debtor, either alone or jointly with any other person or persons, shall be directed to the commissioner who shall have acted in the matter of the first petition, or to whom the same shall have been directed.

2. The memorandum required to be indorsed on a petition for adjudication of bankruptcy, before any adjudication shall be made under sect. 70 of the Bankruptcy Act, 1861, shall be as follows:—

*"Take Notice.*

"Within is a copy of a petition for adjudication of bankruptcy, verified by the oath of the petitioner, and under the seal of her Majesty's Court of Bankruptcy in London [or for the — district], filed in the said court against you, the within-named E. F. The said court has ordered that you do appear on this petition at or before the expiration of — days after the day of service thereof. The petition will be heard at the said court at —, on the — day of —, at which time and place you are to appear by yourself or your solicitor on such petition.

"Dated the — day of —, A.D. —,

"—, Registrar.

(L.S.) "—, Solicitor in the matter of  
the within petition."

*As to First Meeting of Creditors.*

3. If the petitioning creditor, or any other creditor, or the bankrupt, desire that the first meeting of creditors, under sect. 109 of the Bankruptcy Act, 1861, should be held at any other place than the place where the Court of Bankruptcy having jurisdiction in the matter usually holds its sittings, application, supported by affidavit, must be made to the commissioner within seven days after adjudication. If such application be by any other person than the petitioning creditor, one clear day's notice thereof must be given to the petitioning creditor.

4. The statement required to be filed in court under sect. 93 of the Bankruptcy Act, 1861, by every debtor petitioning for adjudication of bankruptcy against himself and verified by the oath of the petitioner, shall be so filed and verified by such debtor within three days after filing his petition, or within such further time as the commissioner may, under special circumstances, allow, and shall be in the form specified in the Schedule to these Orders annexed, and if such statement be not so filed and verified, the said petition shall be dismissed.

*As to Judgment Debtor Summons.*

5. Every creditor applying for a judgment debtor summons shall file an affidavit of debt, and such affidavit shall be in the form specified in the Schedule 3 to these Orders annexed.

6. Every judgment debtor summons shall be in the form specified in the Schedule 4 to these Orders annexed.

7. Every such summons shall be indorsed with a notice as follows:—

*"Notice to the Party summoned.*

"This summons is served upon you pursuant to the provisions of the Bankruptcy Act, 1861, and is founded on an affidavit of debt which was filed in the Court of Bankruptcy in London [or for the — district, at —] on the — day of —, 186—, and you are hereby informed that if, after service of this summons, or due notice thereof, you do not pay the debt and costs within mentioned, or secure or compound for the same to the satisfaction of the creditor, then on your appearance to this summons, or if you shall not appear, having no lawful impediment allowed by the court, and in either case, without the presentation of a petition for adjudication or other proceeding, the court may adjudge you bankrupt.

"This summons was issued by —, of —, solicitor for the plaintiff [or plaintiffs] within named [or, if by a solicitor for a person entitled to receive money under a preceptory order, or interested in enforcing payment of it, alter accordingly.]

or,

"This summons was issued in person by the plaintiff [or plaintiffs] within named, who resides [or reside] at [mention the city, town, or parish, and also the name of the street and number of the house of the plaintiff's residence, if any such there be.]"

8. Every such summons is to be served personally between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon, unless the court issuing the same shall in any case direct that service in some other manner shall be good service, in which case the order of court in that behalf shall be served in like manner as the summons; and such summons is to be served four days at least before the time for appearance therein mentioned, and within two months from the date thereof, including the day of such date, and not afterwards.

*As to Forms.*

9. The several forms specified in Schedules 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, inclusive, respectively to these Orders annexed, for the several purposes therein stated, shall be observed, and used with such alterations as may be necessary to meet the circumstances of any particular case.

*As to Letters of Attorney.*

10. Every creditor may by letter of attorney, which may be in the form set forth in Schedule 19, authorise the official assignee in the bankruptcy, or any other person, to represent him at any meeting of the creditors, and to vote for him on any question submitted to the creditors at such meeting, or any adjournment thereof, and also in the choice of the creditors' assignee.

11. Petitions may be printed on paper or parchment. Under special circumstances the commissioner or registrar may, if he shall think fit, receive a written petition.

*As to the Messenger.*

12. The official assignee, in performing the duty required by sect. 106 of the Bankruptcy Act, 1861, shall act by the messenger of the court, who shall in all respects, but subject to the directions of the court in any particular case, observe the directions of the official assignee in taking and retaining possession of the bankrupt's estate, and shall act as his deputy; and after the appointment of the creditors' assignee, the messenger shall act under his instructions in keeping or discontinuing possession.

13. Each messenger of the Court of Bankruptcy shall give security to the extent of 1000*l.*, and such security shall be either by way of a joint and several bond, with two sureties, to be approved of by the commissioner, to the chief registrar, in the

penal sum of 2000*l.*, or by way of the guarantie of any guarantie society established by charter or act of Parliament in England. Where such security is by way of bond, each messenger shall, on the 1st January in every year, or within one week then next following, make a declaration in writing, to be filed with the chief registrar, that, to the best of his knowledge and belief, his sureties are alive and solvent, and in such declaration state, to the best of his knowledge and belief, any change of residence of any or either of such sureties. Where such security is by way of guarantie, the messenger shall, within the like period, produce and shew to the chief registrar the receipt for the premium or premiums paid to such guarantie society during the preceding year.

Where such security is by way of bond, the messenger shall, on pain of dismissal, give immediate notice in writing to the chief registrar of the death or bankruptcy of any or either of his sureties, and shall in such case, if required, cause a new bond to be executed, to the like amount, by another surety or sureties.

14. The messenger shall from time to time render to the official assignee an account of the fees due to him according to the existing scale, and of payments made by him for assistance in each bankruptcy, and such bill shall be taxed by the proper taxing officer, who shall certify separately the amount of fees due, and the amount of additional payments proper to be allowed. The messenger and creditors' assignee, if any, and if none the official assignee, may attend the taxation. The amount of such fees and additional payments shall be forthwith paid to the messenger by the assignee out of any monies belonging to the estate, or standing to its credit at the Bank of England, and, if the same be insufficient, out of the first monies that shall come to his hands in respect of the estate. Each messenger shall quarterly, on the 13th January, the 13th April, the 13th July, and the 13th October in every year, transmit to the chief registrar an account of the fees received by him in the preceding quarter.

15. On the 13th October, 1862, and each succeeding 13th October, every messenger shall render to the chief registrar an account of the fees received by him during the preceding year, and shall verify the same by oath, and after deducting his salary, under the 32nd section, shall pay over the surplus to the credit of the chief registrar's account, at such time and in such manner as the chief registrar shall direct.

16. It shall be the duty of the messenger to make an inventory of the bankrupt's estate in cases where such inventory shall be deemed requisite by the official assignee. No broker shall be employed for the purpose. Where such inventory has not been made prior to the choice of the creditors' assignee, the inventory shall only be made upon an express direction in writing from the creditors' assignee.

#### *As to Matters to be heard in Chambers.*

17. The following matters may, unless the court shall in any case otherwise direct or allow, be heard and determined by the commissioner in chambers; that is to say—

Trader debtor summons.

Judgment debtor summons.

Petition for adjudication of bankruptcy on the petition of a creditor.

Disputed adjudication by debtor.

Applications—

To enlarge time for proceeding on petition for adjudication, or for bankrupt to surrender, or for last examination, or for leave to surrender, where time expired.

To release bankrupt from custody.

To pay taxes, or salary or wages, or sum in respect of apprentice fee.

To order letters to be redirected or delivered to the official or creditors' assignee, or other person named in the order.

For leave to commence, prosecute, or defend any action or suit.

For order to bankrupt to join in any conveyance, &c.

For assignees to deliver up conveyance or agreement for conveyance, or lease or agreement for lease, or agreement for purchase of estate, in case assignees decline or refuse to elect to take the same.

To take mortgagee's account.

For order under sect. 114.

Questions as to costs referred to commissioner by the taxing master.

To allow amendments, or copies or extracts of proceedings.

For investment of money, or the sale or transfer of any stocks or securities belonging to the estate.

For appointing the bankrupt to superintend the management of his estate, or to carry on the trade for behoof of the creditors.

For sittings to examine parties or witnesses.

For order to mortgage or pledge any part of bankrupt's estate upon a resolution of creditors, under sect. 135.

For order to sell book debts, under sect. 137, or for disposal or custody of books and papers, under sect. 138.

Any matter adjourned by the registrar for the consideration of the commissioner, under sect. 52, or any point or matter arising in the course of proceedings before the registrar, and stated by him in a certificate to the commissioner, and upon which any party is desirous of obtaining the opinion of the commissioner, under sect. 53.

But if, in any of the aforesaid matters, the contending parties shall all desire that any question be heard and decided in open court, or if the commissioner shall be of opinion that any matter before him ought to be so heard and decided, it shall be adjourned for that purpose.

18. The following matters may, unless the court shall in any case otherwise direct or allow, be heard and disposed of by the registrar in chambers; that is to say—

Petitions for adjudication of bankruptcy.

Swearing affidavits.

Application for trader debtor's summons, or judgment debtor's summons.

Receiving the surrender of a bankrupt; granting protection thereupon.

Giving requisite directions for notices and advertisements, &c.

Auditing and passing accounts of assignees.

Proceedings for declaration and payment of dividends.

Any of the following matters, when uncontested—

Admitting, expunging, or reducing proofs or claims; ordering payment of taxes, or salary or wages, or sum in respect of apprentice fee; ordering amendments or inspection, or copies or extracts of any proceedings, and taking mortgagee's accounts, and giving leave to mortgagee to bid.

*As to Trust Deeds for Benefit of Creditors; Composition and Inspectorship Deeds executed by a Debtor.*

19. In order to facilitate the making of entries, under sect. 193, the attorney, or solicitor, or party producing such deed or instrument may deliver to the

registrar a memorandum containing the following particulars, or as near thereto as may be:—

*Memorandum of Deed or other Instrument to be registered pursuant to the Bankruptcy Act, 1861.*

Title of deed, whether deed of assignment, composition, or inspectorship.

Date of deed.

Date of execution by debtor.

Name and description of the debtor as in the deed.

The names and descriptions of the trustees or other parties to the deed, not including the creditors.

A short statement of the nature of the deed.

And such memorandum shall be signed by the attorney, or solicitor, or party producing the deed.

The affidavit required by sect. 192 of the Bankruptcy Act, 1861, paragraph 5, may be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“I, A. B. [the debtor, or some person able to depose thereto], make oath and say as follows—that the deed or instrument now produced, and marked with the letter A, bearing date the — day of —, and made between [state the parties to the deed, not including the names of the creditors], being a deed [describe its nature], has been executed, or by writing assented to or approved of, by a majority in number, representing three-fourths in value, of the creditors of me [the debtor, when the debtor deposes, or of — (the debtor, where some other person deposes)], whose debts amount to 10*l.* and upwards; and I [the debtor, where the debtor deposes] verily believe that the amount in value of my property, credits, estate, and effects comprised in such deed is — [and where another person deposes he must state, that after due inquiry made, to the best of his knowledge, information, and belief, the amount in value of the property, credits, estate, and effects of —, the said debtor, comprised in such deed is —.]”

*Form of Certificate by Trustee in the Court of Bankruptcy.*

The certificate required by sect. 192 of the Bankruptcy Act, 1861, may be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“I, the undersigned [if more than one trustee, alter accordingly], being a trustee under a deed or instrument bearing date the — day of —, and made between [state the parties, not including the names of creditors], being a deed [describe the nature thereof], do hereby certify that a majority in number, representing three-fourths in value, of the creditors of the said C. D. [debtor], whose debts amount to 10*l.* or upwards, have executed, or in writing assented to or approved of, such deed or instrument; and I also certify that, after full inquiry made, to the best of my knowledge, information, and belief, the amount in value of the property, credits, estate, and effects of the said C. D. [debtor] comprised in such deed is —.]”

The memorandum of registration required by the Bankruptcy Act, 1861, to be written on the face of every deed or instrument on being registered shall be in the following form:—

“THE BANKRUPTCY ACT, 1861.

“This deed or instrument was brought into the office of the chief registrar of the Court of Bankruptcy for registration on the — day of —, at the hour of — on that day, and was duly registered, pursuant to the provisions of the Bankruptcy Act, 1861.”

*“Certificate of Registration of Deed and Protection to Debtor.*

“THE BANKRUPTCY ACT, 1861.

“I, —, being the chief registrar of her Majesty's Court of Bankruptcy, do certify that on the — day of

— a certain deed or instrument, bearing date the — day of —, and made and executed by and between [set forth parties, not including the names of the creditors], being a deed or instrument [set forth the nature and effect thereof], was, on the — day of —, and at the hour of — on such day, brought into my office for registration, and was duly registered pursuant to the provisions of the Bankruptcy Act, 1861.

“Given under my hand and seal of the court, at the Court of Bankruptcy, London, the — day of —, 1861.

(L. S.)

“A. B.

“Note.—This certificate is available to the said A. B. [the debtor] for all purposes as a protection in bankruptcy.”

20. If a deed be registered under sect. 187 or sect. 194 of the Bankruptcy Act, 1861, the above forms may be observed, so far as may be applicable.

*. As to Prisoners for Debt.*

21. The gaoler of every gaol situate within the metropolitan and London districts shall transmit the return required of him by sects. 100 and 104 to the chief registrar of the London court.

22. The gaoler of every gaol situate within a country district, but not situate in the county within which a country commissioner of bankruptcy usually holds his court, shall make the return required of him by sects. 100 and 104 to that county court having jurisdiction in bankruptcy within the jurisdiction of which the gaol is situate, and shall transmit the same to the registrar of such court.

23. The gaoler of every gaol situate in the county within which a district commissioner of bankruptcy usually holds his court shall make the return required of him by sects. 100 and 104 to such district court of bankruptcy, and transmit the same to the registrar of such court.

24. With respect to returns from gaolers of prisons within the metropolitan district, the chief registrar shall assign the same to the registrars of the London court in rotation, and they shall respectively attend the gaols the returns from which are so assigned to them respectively.

25. With respect to returns from gaolers of prisons within the London district (exclusive of the metropolitan district), the chief registrar shall assign such returns, and the duty of attending at the gaols therein mentioned, to the registrars of the several county courts of the districts within which such gaols are severally situate, and the registrars shall respectively attend at such gaols accordingly.

26. The return and order required by sects. 100 and 101 of the Bankruptcy Act, 1861, may respectively be in the form following:—

*“Gaoler's Return.*

“THE BANKRUPTCY ACT, 1861.

“Return made by —, gaoler of — gaol [or keeper or governor of — prison], in the county of —, this 1st day of —, 18— [or this 2nd day of —, 18—, the first day of the month being a Sunday], in pursuance of the above act, of every person now within the walls, rules, or liberties of the said gaol [or prison], in custody upon any process whatsoever for or by reason of any debt, claim, or demand whatsoever, and not being within any of the exceptions mentioned in sect. 104 of the Bankruptcy Act, 1861.

1. (Name of person detained, and date of his imprisonment).

2. (Name and address of every creditor at whose suit such prisoner is imprisoned or detained).



3. (Nature and amount of debt or demand, or debts and demands, for which such prisoner is detained in custody).

4. (Whether such prisoner is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty).

"A true return.  
(Signed) "—, Gaoler,  
[or Keeper or Governor.]"

"THE BANKRUPTCY ACT, 1861.

"In the Court of Bankruptcy for the — district  
[or in the county court for —], — day, the  
— day of —, 18—.

"I, A. B., a commissioner [or judge] of —, in pursuance of the power conferred upon me by the Bankruptcy Act, 1861, order that —, Esq., a registrar of the Court of Bankruptcy [or —, gentleman, a registrar of the county court], do attend at — gaol [or prison], in the county of —, at — o'clock in the — noon, then and there to examine [*here insert the name or names*], returned to me by — gaoler of the said gaol [or keeper or governor of the said prison], as a prisoner [or prisoners] confined in the said gaol [or prison] for debt, and to proceed thereon and make order as the said act directs.

(Signed) "—, Commissioner [or Judge]."

And a copy of such order shall be forthwith sent through the general post by the registrar therein named to the gaoler, and also to the execution and detaining creditor of every prisoner included in such return.

27. On the day named in such order the registrar shall attend at the prison and examine every prisoner included in such return, pursuant to the directions contained in sect. 101 of the Bankruptcy Act, 1861; and if, upon the result of such examination, he shall think fit to make an order in pursuance of such section, such order may, *mutatis mutandis*, be in the following form:—

"THE BANKRUPTCY ACT, 1861.

"In the matter of —, late of —, in the county of —, and now a prisoner for debt in — gaol [or prison], Monday, the — day of —, 18—.

"Whereas, in pursuance of an order of the Court of Bankruptcy for — [or of the county court for —], dated the — day of —, 18—, I, being a registrar of the said court, attended on the day first above mentioned at — gaol [or prison], and there examined A. B., of —, whose examination in writing is filed herewith, whereby it appears that the said A. B., being a trader, had been in prison for debt [*or as the case may be*], at the suit of —, of —, for fourteen days [or not being a trader, had been in prison for debt, *or as the case may be*], at the suit of —, of —, for two calendar months, on the said — day of — [*the day of the registrar's order*], and that the last place of his abode and place of business [or place of abode] within six months of his imprisonment [or within —] was:—

"And having evidence before me of the service of notice of the said order of the said court upon the gaoler of the said gaol [or keeper or governor of the said prison], and upon the execution [and detaining] creditor, I do adjudge the said A. B. a bankrupt, and do declare that the said A. B. became and was bankrupt on the — day of — [*the day of the debtor's commitment or detention*]; and I do hereby grant the said A. B. protection from arrest from any claim, debt, or demand now due or owing by the said A. B.;

and I do hereby order that the said A. B. be forthwith discharged from custody as aforesaid; and I do hereby direct that the said bankruptcy be prosecuted in the Court of Bankruptcy for the — district [or in the county court for —].

"All which I certify.  
(Signed) "—, Registrar."

28. In addition to the certificate which the registrar is directed to make, by the 101st section, to the court of which he is registrar, he shall, if a registrar of a county court at the same time, send a copy of his certificate to the Court of Bankruptcy having jurisdiction in the district where the gaol is situate; and if a registrar of the Court of Bankruptcy, he shall send a copy of such certificate to the county court having jurisdiction over the same district.

29. Where adjudication of bankruptcy is made against a debtor on his own petition, or against a debtor in gaol without petition, the first meeting of creditors shall be holden on the fourteenth day after the day of such adjudication, unless such fourteenth day shall happen to be one of the days excepted by the 48th section, and in that case on the day after.

30. Advertisements of adjudication and of the first meeting of creditors shall, in cases of adjudication against debtors on their own petition, and of adjudication against debtors in prison without petition, be published, within four days after such adjudication, in the London Gazette, and in such provincial newspaper or other publication as the commissioner, judge, or registrar shall direct.

31. Bankruptcies of prisoner debtors, upon adjudication made by registrars, which are to be prosecuted in the Court of Bankruptcy, shall in the London district be allotted to the commissioners in rotation. Such allotment shall be made in London by the chief registrar, or registrar acting for him. The commissioner, upon each bankruptcy being allotted to him, shall appoint an official assignee to act in such bankruptcy. After the first meeting of creditors, if no creditors' assignee be appointed, the Lord Chancellor shall appoint a solicitor to act in the prosecution of the bankruptcy.

*As to Appeals.*

32. All appeals to the Court of Appeal shall be brought on by motion, and no new evidence shall be received on any appeal unless the Court of Appeal shall, on the hearing thereof, so direct.

33. The office of the accountant in bankruptcy shall be open throughout the year for the payment of dividends and money orders, except on the days mentioned in the 48th section of the act.

*As to Stamps.*

34. Every officer of the Court of Bankruptcy who shall receive any document to which a stamp shall be affixed, or upon which a stamp shall be impressed, shall immediately upon the receipt of such document deface the stamp thereon, by writing or impressing upon such stamp the words "Court of Bankruptcy," and no such document shall be filed or delivered until the stamp thereon shall have been defaced in manner aforesaid, and it shall be the duty of the party presenting such document to see that such defacement has been duly made.

*As to Short-hand Writers.*

35. Whenever a short-hand writer shall be employed, pursuant to sect. 61 of the Bankruptcy Act, 1861, such short-hand writer shall, if required, within (two) days after the taking of any examination, or the evidence of parties, deliver to the registrar a faithful and true transcript of such examination or evidence, and shall be paid in respect thereof a fee of one guinea

for attendance, and 8d. per folio of every (ninety) words contained in such transcript, and such payment shall be made by the party on whose application the employment of a short-hand writer has been directed by the court, or, if the court thinks proper, out of the estate.

The short-hand writers shall be appointed by the commissioner or judge.

36. Until further order, and in cases not otherwise provided by these Orders, the Rules and Orders in Bankruptcy bearing date respectively the 19th October, 1852, the 3rd February, 1855, the 19th May, 1855, the 19th June, 1856, and the 24th March, 1857, shall, where applicable, and with such variations in the forms specified in the Schedules thereof as may be necessary, be acted upon for the several purposes mentioned in the 45th section of the Bankruptcy Act, 1861.

WESTBURY, C.

JOHN S. M. FONBLANQUE, Commissioner.

EDWARD HOLROYD, Commissioner.

M. D. HILL, Commissioner.

#### SCHEDULES REFERRED TO IN THE FOREGOING ORDERS.

##### SCHEDULE 1.

###### THE BANKRUPTCY ACT, 1861.

###### *Petition by a Creditor for Adjudication of Bankruptcy.*

To the Court of Bankruptcy for the — district.

The humble petition of —

Sheweth,

That —, having resided [or carried on business, as the case may be] for six [or for the longest period, that is to say, — months during six] calendar months next immediately preceding the date of this petition, within the district of this honourable court, that is to say, at [insert the name of the place], is indebted to your petitioner in the sum of — [proceed as in the form now in use.]

##### SCHEDULE 2.

###### THE BANKRUPTCY ACT, 1861.

###### *Petition by a Debtor for Adjudication of Bankruptcy against himself.*

To the Court of Bankruptcy for the — district.

The humble petition of —

Sheweth,

That your petitioner, having resided [or carried on business, as the case may be] for six [or for the longest period, that is to say, — months during six] calendar months next immediately preceding the date of this petition, within the district of this honourable court, that is to say, at — [insert the name of the place], is unable to meet his engagements with his creditors: [If the petitioner be in prison, add, "and that your petitioner, being a prisoner in (state the prison or gaol), has given notice in writing to the keeper of such gaol (or prison) of his intention to file this petition."]

Your petitioner therefore humbly prays that adjudication of bankruptcy may be made against him. And your petitioner shall ever pray, &c.

Signed by the petitioner on the — day of —, 18—, in the presence of —,

Solicitor in the matter of this petition.

If the petitioner knows or verily believes that the debts justly due and proveable in bankruptcy against his estate amount in the whole to a sum not exceeding 300l., such fact should be stated on oath by the petitioner in his affidavit of the truth of the allegations in the petition, thus:—"And this deponent further saith, that he verily believes the debts justly due and proveable in bankruptcy against his estate amount in the whole to a sum not exceeding 300l."

If the petition be by partners alter the form accord-

ingly, and state the names of the several petitioners in the attestation or attestations relating thereto respectively.

If the petition be in formd pauperis, the affidavit required by sect. 98 of stat. 24 & 25 Vict. c. 134, should be annexed.

##### SCHEDULE 3.

###### THE BANKRUPTCY ACT, 1861.

###### *Affidavits for summoning a Judgment Debtor. (Sects. 76, 77, 78, and 90 of stat. 24 & 25 Vict. c. 134).*

In the Court of Bankruptcy, London.

[Or In the Court of Bankruptcy for the — district at —.]

I, A. B., of —, make oath and say as follows:—

First. I say that C. D. is justly and truly indebted to me in the sum of £— upon and by virtue of a judgment of the court of — for the said sum of £— recovered by me against the said C. D. on the — day of — last past, and of which said sum the sum of £—, exclusive of costs, is due to me, and the sum of £— for taxed costs is due to me, making together the said sum of £—.

Second. I say that I verily believe that I am entitled to sue out against the said C. D. a writ of *capias ad satisfaciendum*, or to charge him in execution in respect of the said debt.

Third. † I say that I have known the said C. D. for the space of — now last past, during which time the said C. D. did use and exercise the said trade of [here insert the particular trade], and sought to get his livelihood thereby, as others of the same trade usually do.

Fourth. ‡ I say that the said C. D. usually lives [or as I am informed and believe, now is] within the district of this honourable court, that is to say, at — [or as I am informed and believe, is not in England, but I say that the usual or last known place of abode of the said C. D. in England was at —.]

Sworn at &c.

The following Form to be used in Cases of Disobedience to Decree in Equity, or Order in Bankruptcy, Insolvency, or Lunacy.

In the Court of Bankruptcy, London.

[Or In the Court of Bankruptcy for the — district at —.]

We, A. B., of —, and C. D., of —, severally make oath and say:—

First. I, A. B., for myself, say that E. F. is justly and truly indebted to me in the sum of £— upon and by virtue of a decree of the High Court of Chancery [or an order of the Lord High Chancellor, or of the Right Honourable the Master of the Rolls, or of his Honor Vice-Chancellor —, &c. &c.], bearing date the — day of —, and made in a certain suit then pending, wherein I, the said A. B., was plaintiff, and the said E. F. defendant [or in a certain matter in bankruptcy, insolvency, or lunacy], whereby the said E. F. was decreed [or ordered] to pay to me the sum of £—, exclusive of costs, and the sum of £— for taxed costs [give the substance of the decree or order], making together the said sum of £—, and upon which a peremptory order made by the said Lord Chancellor [or &c.] was obtained by me on the — day of —, directing, &c. [as in the peremptory order. Paragraphs as to the trading and residence deposed to by the creditor or some other person here follow. If the summons be not applied for until after the expiration of two calendar months after service on the debtor of the peremptory order, or such order having been duly served after the expiration of seven days after the day fixed by the peremptory order for payment (which shall last happen), the paragraph as to the trading may be omitted.— See sect. 77.]

\* The day of signing final judgment, which must be after the passing of the Bankruptcy Act, 1861.

† If the summons be not applied for until after the expiration of one calendar month from the signing of judgment, this paragraph may be omitted.

‡ If the residence or the trading be sworn to by some other person, alter the affidavit accordingly.

Second. I, C. D., for myself, say that I did on the — day of — duly serve the said E. F. with a true copy of the said decree [or order], by delivering to or leaving the same with the solicitor [or a clerk of the solicitor] of the said E. F. at his office at —.

Third. I, C. D., further say that I did on the — day of — personally serve the said E. F. with a true copy of the said peremptory order.

Fourth. I, A. B., further say that the said E. F. has not paid, or secured, or tendered, or compounded for the said debt, but the said debt still remains wholly due and unpaid.

Sworn by —, at —.

#### SCHEDULE 4.

##### THE BANKRUPTCY ACT, 1861.

##### *Summons of Judgment Debtor. (Sect. 76, &c. of stat. 24 & 25 Vict. c. 134).*

These are to will and require you, to whom this summons is directed, personally to be and appear before the commissioner in attendance in chambers at the Court of Bankruptcy in Basinghall-street, in the city of London [or at the Court of Bankruptcy for the — district at —, in the county of —], on the — day of —, at — o'clock, to be examined respecting your ability to satisfy a debt of £ —, claimed of you by A. B., of —, \* upon and by virtue of a judgment of the Court of —, for the said sum of £ —, recovered by the said A. B. against you on the — day of — last, and of which said sum the sum of † £ —, exclusive of costs, is sworn to be due from you to the said A. B., and the sum of £ — for taxed costs, making together the said sum of £ —. You are to be examined also for the discovery of property applicable to satisfy the said debt. You are moreover to observe the ‡ notice indorsed hereon, and hereof you are not to fail at your peril.

Given under my hand and the seal of the court the — day of —, in the year of our Lord —.

(Signed)

To E. F., of —, —, Registrar.  
(L.s.)

#### SCHEDULE 5.

##### THE BANKRUPTCY ACT, 1861.

*Form of the Statement to be filed in Court by every Debtor petitioning for Adjudication of Bankruptcy against himself, and to be verified by the Oath of the Petitioner, under sect. 93 of stat. 24 & 25 Vict. c. 134.*

N. B.—This is to be a full, true, and accurate statement, verified by the oath of the petitioner, of his debts and liabilities of every kind, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements, reckoning as debts—

1. Sums due to creditors holding mortgages or other available securities or liens, after deducting the value of the property comprised in such mortgages, securities, or liens.
2. Such interest and costs as shall be due in respect of any of the debts.

But not reckoning—

1. The amount of the debts in respect of which the petitioner has already taken the benefit of insolvency, protection, or bankruptcy.
2. Debts barred by any statute of limitations.

The statement must be filed and verified within three days after filing the petition for adjudication, and in default thereof the petition will be dismissed.

\* If upon a decree in equity, &c., say, "upon and by virtue of a decree" [or order] and peremptory order, dated respectively the — day of — and the — day of —, and sworn to have been duly served upon you, whereby you were directed to pay to the said A. B. the sum of £ —, exclusive of costs, and the sum of £ — for taxed costs, making together the said sum of £ —.

† The debt, exclusive of costs, must not be under £50.

‡ See Order 7.

A full, true, and accurate statement, verified by the oath of the petitioner, of the debts and liabilities of every kind, reckoned in manner above directed, of —, of —, a debtor petitioning for adjudication of bankruptcy against himself, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements.

Creditors.	Amount of Debts, after deducting the Value of Property comprised in Mortgages, Securities, or Liens.	Debts secured by Mortgages or other available Securities or Liens, shewing the Amount secured, and the Value or estimated Value of the Property comprised therein.	Causes of the Petitioner's inability to meet his Engagements.
Names.	Residences.		

(To be signed by the petitioner).

#### SCHEDULE 6.

##### THE BANKRUPTCY ACT, 1861.

##### *Affidavit of Truth of Statement to be filed under sect. 93.*

— day of —, A.D. —.  
E. F., of —, in the — of —, the petitioner named in the statement hereunto annexed, maketh oath and saith, that the said statement contains a full, true, and accurate account of his debts and liabilities of every kind, reckoned as required by the Bankruptcy Act, 1861, and the General Orders in Bankruptcy, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements.

Sworn at &c., before me, —.

#### SCHEDULE 7.

##### THE BANKRUPTCY ACT, 1861.

##### *Declaration of Insolvency by Debtor. (Sect. 72 of stat. 24 & 25 Vict. c. 134).*

I, the undersigned, E. F., of —, do hereby declare that I am unable to meet my engagements with my creditors. Dated at the hour of — in the forenoon [or at noon, or in the afternoon, as the case may be], this — day of —, in the year of our Lord —.

(Signed) E. F.

Witness,

G. H., Registrar of the Court of Bankruptcy,  
[or, Attorney or Solicitor of the Court of —.]

#### SCHEDULE 8.

##### THE BANKRUPTCY ACT, 1861.

*Order for substituted Service of Judgment Debtor Summons when the Debtor is in England, but cannot be found. (24 & 25 Vict. c. 134, s. 79).*

In the Court of Bankruptcy, London.

[Or for the — district at —.]

Ex parte —.

In the matter of —.

— day of —, 180—.

Upon the application of —, of counsel [or solicitor] for —, and upon proof to the satisfaction of the court that E. F., the debtor named in the summons hereunto annexed, is in England, but is not to be found, it is hereby ordered by the court that service of the said summons, &c. [stating the mode] shall be good service.

By the court,  
—, Registrar.

## SCHEDULE 9.

## THE BANKRUPTCY ACT, 1861.

*Order for Mode of Service of Judgment Debtor Summons, where the Debtor is not in England. (24 & 25 Vict. c. 134, s. 79).*

In the Court of Bankruptcy, London.

[Or for the ——— district at ———.]

*Ex parte* ———.

In the matter of ———.

——— day of ———, 186—.

Upon the application of ———, of counsel [or solicitor] for ———, and upon proof to the satisfaction of the court that E. F., the debtor named in the summons hereunto annexed, is not in England, and that service in the manner and form hereinafter mentioned will be effectual to give notice to the said E. F., it is hereby ordered by the court that service of the said summons shall be made by, &c. [stating the mode]. And it is hereby further ordered that \* the time and place at which the said E. F. is required to appear by the said summons shall be the time and place for the appearance of the said E. F. under this order, and such time and place is hereby appointed accordingly.

By the court,

———, Registrar.

## SCHEDULE 10.

## THE BANKRUPTCY ACT, 1861.

*Order for Notice of Judgment Debtor Summons in Gazette and Newspapers, where service of the Summons cannot be effected. (24 & 25 Vict. c. 134, s. 81).*

In the Court of Bankruptcy, London.

[Or for the ——— district at ———.]

*Ex parte* ———.

In the matter of ———.

——— day of ———, 186—.

Upon the application of ———, of counsel [or solicitor] for ———, and upon proof to the satisfaction of the court that E. F., the debtor named in the summons hereunto annexed, is keeping out of the way to avoid service thereof, and that service of the said summons cannot be effected, it is hereby ordered that a notice be inserted [stating the number of times] in the London Gazette, and in [stating the newspapers], requiring the said E. F. personally to be and appear before [&c. as in the summons] on the † day of ——— at ——— o'clock, to be examined respecting his ability to satisfy a debt of [&c. as in the summons], and for the discovery of property applicable in that behalf. And it is further ordered, that by such advertisement the said E. F. be informed, that if after service of the said summons, or due notice thereof by the said advertisement, he does not pay the said debt and costs, or secure or compound for the same to the satisfaction of the creditor, then on his appearance to the said notice in the said Gazette and newspapers, or if he shall not appear, having no lawful impediment allowed by the court, and in either case without the presentation of a petition for adjudication or other proceeding, the court may adjudge the said E. F. bankrupt.

By the court,

———, Registrar.

## SCHEDULE 11.

## THE BANKRUPTCY ACT, 1861.

*Advertisement of Notice in London Gazette, &c., where Service of Judgment Debtor Summons cannot be effected.*

In Bankruptcy.—Statutory Notice of Judgment Debtor Summons.

To E. F., of ———.

Take notice, that a judgment debtor summons, dated the ——— day of ———, was issued by ———, of ———, attorney for the plaintiff [or plaintiffs] hereinafter named [or by the plaintiff]

\* If any other time be appointed, alter form accordingly.

† This must be a day not less than fourteen days after publication of the first notice.

or plaintiff hereinafter named, who resides at ———, &c., as indorsed on the summons], and is under seal of her Majesty's Court of Bankruptcy in London, [or her Majesty's Court of Bankruptcy for the ——— district], requiring you personally to be and appear before, &c. on the ——— day of ———, at ——— o'clock, to be examined respecting your ability to satisfy a debt of &c. [as in the summons], and for the discovery of property applicable in that behalf. And whereas it has been proved to the satisfaction of the said Court of Bankruptcy, that you have been keeping out of the way to avoid service of the said summons, and that service thereof cannot be effected: this notice is given by order of the same court, and in pursuance of the Bankruptcy Act, 1861, and you are hereby required personally to be and appear before the commissioner in attendance in chambers at the same court at ——— on the ——— day of ———, at ——— o'clock, to be examined respecting your ability to satisfy the said debt, and for the discovery of property applicable in that behalf; and you are hereby informed that if after service of the said summons, or notice thereof by this advertisement, you do not pay the said debt and costs, or secure or compound for the same to the satisfaction of the creditor, then, on your appearance to this notice, or if you shall not appear, having no lawful impediment allowed by the court, and in either case without the presentation of a petition for adjudication or other proceeding, the court may adjudge you bankrupt.

———, Registrar.

———, Solicitor for the said A. B.

## SCHEDULE 12.

## THE BANKRUPTCY ACT, 1861.

*Adjudication of Bankruptcy on proceeding under Judgment Debtor Summons.*

In the Court of Bankruptcy, London.

[Or for the ——— district at ———.]

——— day of ——— 186—.

I, ———, a commissioner [or registrar] of the said court, upon good proof, upon oath before me this day had and taken, do find that the said ——— is liable to be adjudged bankrupt, under the 83rd section of the Bankruptcy Act, 1861, and I do therefore adjudge him bankrupt accordingly.

A. B., Commissioner [or Registrar.]

## SCHEDULE 13.

## THE BANKRUPTCY ACT, 1861.

*Order annulling or making absolute Adjudication of Bankruptcy made under the 83rd section.*

In the Court of Bankruptcy, London.

[Or for the ——— district at ———.]

In the matter of ———.

——— day of ——— 186—.

Upon reading the proceedings in the above matter, and upon hearing [the evidence now adduced, if the case be so, and] what was alleged by ———, and being satisfied that sufficient [or no sufficient] cause has been shewn for annulling the adjudication of bankruptcy made against the said ———, on the ——— day of ———, I do order that such adjudication be annulled [or be confirmed], and the same is hereby annulled [or made absolute] accordingly.

A. B., Commissioner.

## SCHEDULE 14.

## THE BANKRUPTCY ACT, 1861.

*Declaration to be made when Petition for Adjudication of Bankruptcy or a Judgment Debtor Summons is filed or sued out by Public Officer or Agent of Co-partnership, under sect. 92 of stat. 24 & 25 Vict. c. 134.*

In the Court of Bankruptcy, London.

[Or for the ——— district at ———.]

In the matter of ———.

——— day of ———, A.D. 186—.

I, the undersigned ———, do solemnly declare that I am a public officer [or agent] of [name of co-partnership] duly

authorised to sue and be sued in the name of a public officer or agent of such co-partnership, and that I am authorised to sue as the nominal petitioner for and on behalf of such co-partnership.

(Signed) \_\_\_\_\_

Declared before *gc.* (see sect. 207).

#### SCHEDULE 15.

##### THE BANKRUPTCY ACT, 1861.

*Declaration of Proof of Debt by Creditor, under sect. 144 of stat. 24 & 25 Vict. c. 134.*

In the Court of Bankruptcy, London.

[Or In the Court of Bankruptcy for the ——— district at ———.]

In the matter of ———, bankrupt.

I, A. B., of ———, do solemnly declare that the statement of the debt [and of the account, if any] between me and the said bankrupt, herewith annexed, is a full, true, and complete\* statement of account between me and the said bankrupt, and that the debt thereby appearing to be due from the estate of the said bankrupt to me was, on or before the ——— day of ——— [the date of the bankruptcy], and still is, justly due.

(Signed) A. B., the creditor above named.

Declared before me, at ———, this ——— day of ———, 18—.

\* Any bills, notes, or other securities held in respect of the debt must be set forth in the statement of account, and if there be any set-off, the balance only should be claimed.

*Declaration for Proof of Debt by Agent of Company incorporated, or authorised to sue and bring Actions, under sect. 144 of stat. 24 & 25 Vict. c. 134.*

In the Court of Bankruptcy, London.

[Or In the Court of Bankruptcy for the ——— district at ———.]

In the matter of ———, bankrupt.

I, A. B., of ———, agent of ———, being a public company incorporated [or authorised to sue and bring actions], and carrying on business at ———, do solemnly declare that I am such agent, and duly authorised to make this proof, and that the statement of the debt [and of the account, if any] between the said company and the said bankrupt, herewith annexed, is a full, true, and complete\* statement of account between the said company and the said bankrupt, and that it is within my own knowledge that the debt thereby appearing to be due from the estate of the said bankrupt to the said company was incurred on or before the ——— day of ——— [the date of the bankruptcy], and for the consideration therein stated; and that to the best of my knowledge and belief the said debt still remains unpaid and unsatisfied.

(Signed) A. B.,

Agent of the company above named.

Declared before me, at ———, this ——— day of ———, 18—.

[The declarations may be made before any court or person authorised to take affidavits, &c. in bankruptcy, under sect. 207.]

\* Any bills, notes, or other securities held in respect of the debt must be set forth in the statement of account, and if there be any set-off, the balance only should be claimed.

#### SCHEDULE 16.

##### THE BANKRUPTCY ACT, 1861.

*Statement of Accounts to be filed by the Bankrupt Ten Days at least before the Day appointed for the last Examination or Adjournment thereof, under sect. 141 of stat. 24 & 25 Vict. c. 134. [When ordered by the Court, a Goods Account and a Cash Account for each period as the Court shall think fit, and an Account accounting for any Deficiency, shall be added by the Bankrupt, within the time appointed, to his Statement of Accounts, and shall form part thereof.]*

In the Court of Bankruptcy, London [or for the ——— district.]

In the matter of ———, of ———, a bankrupt.

Filed the ——— day of ———, 18—.

Dated the ——— day of ———, 18—.

Dr.

Statement of Accounts.

Cr.

			£	s.	d.				£	s.	d.
Folio 1	To creditors (unsecured) .					Folio 6	By debtors—				
2	To creditors holding security . . . . .					and 7	Good . . . . .				
3	To liabilities on bills discounted . . . . .						Doubtful . . . . .				
4	To ditto on accommodation bills . . . . .						Bad . . . . .				
5	To creditors to be paid in full . . . . .					8 and 9	By property given up to my assignees . . . . .				
						2	By property in the hands of creditors . . . . .				
	Surplus (if any) . . . . .						Deficiency . . . . .				
			£						£		

*Memorandum.*—The amount of my expenditure for the support of myself and family, &c., for the year next immediately preceding my bankruptcy, was about ———; ditto for the previous year, ———.

*Creditors unsecured.*

N.B.—When the name and residence (or either of them) of any indorser or holder of any bill or note, &c. are unknown, the fact must be stated. Where there are cross demands, the party must be entered as a debtor or creditor for the balance only (as the case may be), and shewing the amount of set-off.

Reference to Ledger or Voucher.	Names of Creditors.	Residences and Occupations.	Amount.	When contracted.	Nature and Consideration of the Debt, and whether any Judgment, Bond, Bill of Exchange, Promissory Note, &c.
			£ s. d.		

*Creditors holding Security.*

Particulars of securities held, with dates of same, and when given, to be stated under the names of the several creditors.

Reference to Ledger or Voucher.	Names of Creditors.	Residences and Description.	Value of Securities.	Amount of Debts.
			£ s. d.	£ s. d.

*Liabilities on Bills discounted,*

Which ought to be paid by the acceptors.

The dates of the bills, and when due, with the names, addresses, and trade or occupation of the acceptors thereof, are to be set forth under the names of the holders.

Names of Holders, as far as known.	Addresses.	Amount.
		£ s. d. £ s. d.

*Accommodation Bills.*

The dates of the bills, and when due, with the names, addresses, and trade or occupation of the drawers and acceptors thereof, are to be set forth under the names of the holders; if the bankrupt be liable as drawer, acceptor, or indorser thereof, it is to be stated accordingly.

Names of Holders.	Addresses and Particulars of Bills.	Amount.
		£ s. d. £ s. d.

*Creditors to be paid in full.*

Names of Creditors.	Residences and Occupations.	Amount.	When contracted.	Nature and Consideration of the Debt.
		£ s. d.		

*Debtors under £10.*

Where there are cross demands, the party must be entered as a debtor or creditor for the balance only (as the case may be), and shewing the amount of set-off.

Reference to Ledger or Voucher.	Names, Descriptions, and Residences of Persons from whom Debts are due or claimed.	When contracted.	Amount.			Nature and Consideration of the Debt, also Section (if any) for the curties, and the estimated Value of such Securities.
			Good.	Doubtful.	Bad.	
			£ s. d.	£ s. d.	£ s. d.	

*Debtors exceeding £10.*

Where there are cross demands, the party must be entered as a debtor or creditor for the balance only (as the case may be), and shewing the amount of set-off.

Reference to Ledger or Voucher.	Names, Descriptions, and Residences of Persons from whom Debts are due or claimed.	When contracted.	Amount.			Nature and Consideration of the Debt, also Section (if any) for the curties, and the estimated Value of such Securities.
			Good.	Doubtful.	Bad.	
			£ s. d.	£ s. d.	£ s. d.	

*Property in Possession.*

Real and Personal Estate and Effects which were at or since the date of the petition or adjudication of bankruptcy against me, or are now, in my possession, enjoyment, or control, or which were or are held by any other person or persons in trust for my use, or to the possession or enjoyment of which I was entitled at the date of the said petition or adjudication, or am now entitled.

1.	2.	£ s. d.
Interest in lands.	Freehold, copyhold, and leasehold property, with local description, names of tenants, and annual rent of the same, and statement of incumbrances (if any) thereupon, with the dates thereof.	
Personal property.	Cash, bills of exchange, promissory notes, or securities of any description . . . . .	£ s. d.
	Stock-in-trade in my business of —, at —; estimated value . . . . .	
	(If sold, state amount realised).	
	Machinery, fixtures, and utensils in my business, ditto ditto . . . . .	
	Household goods and furniture at — . . . . .	
	Jewels, trinkets, and ornaments of the person . . . . .	
	Plate, linen, and china . . . . .	
	Wines and other liquors . . . . .	
	Books, prints, and pictures . . . . .	
	Horses, cows, and other animals . . . . .	



		£	s.	d.	£	s.	d.			£	s.	d.
	Carriages . . . . .							3.	Property in the funds, annuities, shares, &c.			
	Farming stock and imple- ments of husbandry . .								Annuities, money in public or other funds, shares in canal and other companies, shewing in whose names the same are standing, with names and descriptions of persons now enjoying the same; also the nature of my interest therein, and from whom and in what manner it is derived . .			
	Ships and shares of ships, viz.:								Places and pensions in possession or rever- sion.			
	Goods or personal property of any other description .								Rights and powers.			
	(If any of the above are at any other place than the premises of the bankrupt, viz. any public or pri- vate warehouse, railway station, dock, wharf, or any other place, state it accordingly).								Places of benefit or advantage held by me, with the salaries, fees, and emoluments thereof; also all pen- sions and allowances in possession or reversion held by me, or by any other person or persons for me, or on my behalf, or of and from which I may derive any benefit or advantage . . . . .			
3.	Property in the funds, annuities, shares, &c.								Rights and powers which I or any other person or persons in trust for me or for my benefit have any power to dispose of, charge, or exercise .			
4.	Unpaid legacies.											
5.	Policies of insurance.											
	Legacies due, but unpaid, with all particulars concerning the same .											
	Policies of insurance, either on my own life or that of any other person or persons in which I have any interest . . . . .											
	Fire policies . . . . .											
	The following is a true list of all books, papers, deeds, and writings relating to my trade, dealings, estate, and effects, or any part thereof, which at the date of the petition or adjudication of bankruptcy against me were, or at any time since have been, in my posses- sion, or under my custody or control, or in the possession or custody of any person in trust for me or for my use, benefit or advan- tage:—											

Property in Reversion, Remainder, or Expectancy, Places, Pensions, Rights, and Powers.

N.B.—Contingent as well as vested interests must be entered.  
Real and Personal Estate and Effects in which I had or have any interest in reversion, remainder, or expectancy.

		£	s.	d.	Supposed Value of my Interest if now to be sold.
1.	Interest in land.				
2.	Personal property.				
	Freehold, copyhold, and leasehold property, with names and descriptions of persons now enjoying the same, and the annual value thereof; also the nature of my interest therein, and from whom, and in what manner it is derived . .				
	Personal property, with names and descriptions of persons now enjoying the same; also the nature of my interest therein, and from whom, and in what manner it is derived . . . . .				

SCHEDULE 17.  
THE BANKRUPTCY ACT, 1861.  
*Order of Discharge, when granted at the same Sitting of the Court at which the Bankrupt has passed his last Examination.* (Sect. 140 of stat. 24 & 25 Vict. c. 134, and see sects. 157, 170, and 172).  
In the matter of —, of —, adjudged bankrupt on —, the — day of —, A. D. —  
Whereas, at a public sitting of the court held on the — day of —, at the Court of Bankruptcy, London, [or at the Court of Bankruptcy for the — district at —], for the said bankrupt to pass his last examination, and also to make application for his order of discharge under the Bankruptcy Act, 1861, (whereof and of the purport whereof the notice required in that behalf was duly given), the said bankrupt passed his last examination, and upon application then and there made by the said bankrupt for such discharge, and upon hearing, &c. &c., it was adjudged by the court that the said bankrupt was entitled to such discharge, whereupon such order of discharge was, and is hereby allowed and granted accordingly, [or if the discharge were suspended, then, after the words "such discharge," proceed as follows, after suspension thereof for the period of —, the reasons for such suspension being, that it appeared to the court that &c., stating the reasons]: and whereas the period of suspension has now elapsed, the court allows the discharge, and such order of discharge is hereby allowed and granted accordingly.†  
Given under my hand and the seal of the court, at the Court of Bankruptcy, London [or at the Court of Bankruptcy for the — district at —, in the county of —], on the — day of —, in the year of our Lord 186—, Commissioner.  
(L. S.)  
—, Registrar.

SCHEDULE 18.  
THE BANKRUPTCY ACT, 1861.  
*Order of Discharge, when granted at a Sitting of the Court appointed after the Bankrupt has passed his last Examination.* (Sect. 158 of stat. 24 & 25 Vict. c. 134).  
In the matter of —, of —, adjudged bankrupt on —, the — day of —, A. D. —  
Whereas, at a public sitting of the court, appointed after  
\* If adjourned, add "and by adjournment on the — day of —."  
† "If the order of discharge be wholly refused, or be granted subject to any condition, or any sentence of imprisonment has been awarded, alter and state the facts accordingly." (See sects. 157 and 159).

the bankrupt passed his last examination, and held on the — day of —, at the Court of Bankruptcy, London, [or at the Court of Bankruptcy for the — district at —], for the purpose of considering the question of granting to the bankrupt his order of discharge under the Bankruptcy Act, 1861, (whereof and of the purport whereof the notice required in that behalf was duly given), and upon hearing, &c. &c. [proceed as in the form of order of discharge, when granted at the same sitting at which the bankrupt passed his last examination.]

\* If adjourned, add "and by adjournment on the — day of —."

#### SCHEDULE 19.

#### THE BANKRUPTCY ACT, 1861.

##### Form of Letter of Attorney.

In the matter of —, of —, a bankrupt.

Sir,

I [or we] hereby authorise you to attend the meeting of creditors in this matter, advertised or directed to be holden at —, or —, or any adjournment thereof, and then and there for me [or us] and in my [or our] name to vote for or against [here state the resolution or object of the meeting], and in the choice of assignee or assignees of the estate of the bankrupt.

Witness to the signature

of —

A. B.

To — [or A. B., for self and partners.]

WESTBURY, C.

JOHN S. M. FOMBLANQUE, Commissioner.

EDWARD HOLROYD, Commissioner.

M. D. HILL, Commissioner.

\*.\* The Orders for regulating the Practice and Proceedings of the County Courts, in Bankruptcy, will be inserted in our next.

At the court at Balmoral on the 11th day of October, 1861, it was ordered, by her Majesty in Council, that the Parliament, which stands prorogued to Tuesday, the 22nd day of October instant, be further prorogued to Tuesday, the 17th day of December next.

The Right Hon. Sir William Erie, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Robert Handsley, Gent., of Burnley, Lancashire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Lancaster.

**FREDERICK ROBERT PARTRIDGE and HENRY EDWARDS**, King's Lynn, Norfolk, attorneys (carrying on business under the style or firm of Goodwin, Partridge, & Edwards) Nov. 1 at 12, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Oct. 14.

**WILLIAM HIRST**, Golcar, Huddersfield, Yorkshire, woollen manufacturer, Oct. 25 and Nov. 25 at 11, Leeds: Off. Ass. Hope; Sols. Drake, Huddersfield; Bond & Barwick, Leeds.—Pet. d. and f. Oct. 7.

#### MEETINGS.

**George Harris**, Woking, Surrey, tailor, Oct. 26 at 11, London, ch. ass.—**Wm. Smith** and **Wm. Francis Patient**, Bermondsey New-road, Surrey, tanners, Oct. 25 at 11, London, last ex. of **Wm. Smith**.—**Wm. Nathan Sykes Cope**, Wellington-street, Goswell-street, Middlesex, and Nottingham, tobacconist, Oct. 29 at 11, Nottingham; last ex.—**John Greenwood**, Sheffield, stone Sawyer, Oct. 26 at 10, Leeds, last ex.—**Joseph Hollings**, Charles-street, Hampstead-road,

Middlesex, cowkeeper, Nov. 5 at half-past 11, London, div.—**Wm. Levett**, Union-street, Southwark, and Blackfriars-road, Surrey, patent wadding manufacturer, Nov. 7 at 12, London, div.—**Mary Ann Pilon Jones**, widow, Buckingham-street, Strand, Middlesex, licensed victualler, Nov. 7 at 11, London, div.—**Joseph Moss**, Houndditch, City, wholesale clothier, Nov. 7 at half-past 11, London, div.—**Patrick Brown**, Paddington-green, and West-place, Islington-green, Middlesex, lead merchant, Nov. 7 at 11, London, div.—**A. Arndt**, Tudor-street, Blackfriars, City, drysalter, Nov. 7 at half-past 11, London, div.—**John King Westrop**, Staining-lane, City, glove manufacturer, Nov. 7 at 12, London, div.—**Nathan Mitchell**, Leeds, cloth manufacturer, Nov. 12 at 11, Leeds, div.—**Robert Jerram**, Nottingham and Lambey, Nottinghamshire, innkeeper, Nov. 12 at 11, Nottingham, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Robert Collins**, Mark-lane, City, dealer in hops, Nov. 5 at 1, London.—**Thomas J. Moss**, Edgware-road, Hyde-park, Middlesex, Jeweller, Nov. 7 at 1, London.—**John B. Behrends** and **Wm. A. Nichols**, St. Mary-axe, City, East India merchants, Nov. 7 at 11, London.—**Augustus Hope**, West Smithfield, City, and Oxford-road, Downham-road, Islington, Middlesex, hay salesman, Nov. 6 at half-past 2, London.—**Philip Raphael**, Duke-street, Aldgate, City, wine merchant, Nov. 6 at 12, London.—**Joseph Whitard**, Bristol, draper, Nov. 11 at 11, Bristol.—**Wm. Thorne**, Lyme Regis, Dorsetshire, innkeeper, Nov. 21 at 12, Exeter.—**Wm. Terry**, Birmingham, plater, Nov. 11 at 11, Birmingham.

To be granted, unless an Appeal be duly entered.

**Morris Cohen**, Landport, Hampshire, dealer in glass.—**David Basset**, Uxbridge, Middlesex, corn merchant.—**Edwin Brook**, Charsfield, Suffolk, cattle dealer.—**Isaac Brown**, Philpot-lane, City, wine merchant.—**Martin St. Leger**, Baginbelle-road, St. Pancras, Middlesex, victualler.—**Patrick Brown**, Paddington-green, and West-place, Islington-green, Middlesex, lead merchant.—**Maurice W. Britton**, Shore-ditch, Middlesex, wholesale milliner.—**George Davis**, Southampton, builder.—**George Perkins**, Ashford, Kent, earthenware dealer.—**John Titchmarsh**, Kneassworth, Bassingbourn, Cambridgeshire, miller.—**John French**, Martock, Somersetshire, corn factor.—**Abraham Chamberlain**, Exeter and Stoke Canon, Devonshire, butcher.—**Edward Trood** and **Edward Trood** the younger, Bridgwater, Somersetshire, grocers.—**John Dalley**, Starcross, Kenton, Devonshire, innkeeper.—**Charles Brittain**, Bebington, Cheshire, builder.—**George Scrivener**, Wigan, Lancashire, provision dealer.—**Patrick McCarthy**, Manchester, rag dealer.

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- JOSEPH CHRISTOPHER LEAVER**, Briar-villas, Shepherd's-bush, Middlesex, shipbroker, Oct. 29 at 2, London: Off. Ass. Johnson; Sols. Leaky & Co., 24, Lincoln's-inn-fields.—Pet. f. Oct. 15.
- WILLIAM ARMSTRONG**, Eastcheap, City, dealer in colonial produce, Oct. 28 at 2, London: Off. Ass. Johnson; Sol. Rae, 9, Mincing-lane.—Pet. f. Oct. 12.
- JOSEPH GOODCHILD**, High-street, Shoreditch, Middlesex, ham and beef dealer, Oct. 30 at 11, London: Off. Ass. Johnson; Sol. Beard, 10, Basinghall-street.—Pet. f. Oct. 16.
- WILLIAM WELLING**, Clipstone-street, Fitzroy-square, Middlesex, oilman, Oct. 29 at 1, London: Off. Ass. Johnson; Sol. Wells, 47, Moorgate-street.—Pet. f. Oct. 15.
- WILLIAM EDWARD DOD**, Rayner-street, Goswell-street, Clerkenwell, and Great James-street, Bedford-row, Holborn, Middlesex, architect, Oct. 29 at 11, London: Off. Ass. Johnson; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Oct. 12.
- JAMES NELTHORPE**, Clarence-terrace, Wandsworth-road, Surrey, formerly of Victoria-road, Islington, Middlesex, flour factor, Oct. 31 at 11, London: Off. Ass. Johnson; Sol. Holt, 36, Bucklersbury.—Pet. f. Oct. 17.
- GEORGE JURY and FREDERICK JURY**, Maidstone, Kent, tailors (trading under the style or firm of Jury & Son), Nov. 1 at 2, London: Off. Ass. Bell; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. Oct. 18.
- GEORGE MICHAEL GLASS** the elder, Brandon-street, Walworth, Surrey, chemist, Oct. 29 at half-past 1, London: Off. Ass. Bell; Sol. Wells, 47, Moorgate-street.—Pet. f. Oct. 15.
- ALFRED HANNIBALL**, Great Portland-street, Middlesex, bootmaker, Nov. 2 at 11, London: Off. Ass. Bell; Sol. Stophor, 36, Coleman-street.—Pet. f. Oct. 16.
- JAMES EVENNETT**, High-street, Poplar, Middlesex, corn dealer, Oct. 29 at 1, London: Off. Ass. Whitmore; Sol. Hall, 14, Basinghall-street.—Pet. f. Oct. 15.
- ELIZABETH WILLARD WORMAN**, widow, late of Sloane-street, Middlesex, also late of Erith, but now of Old Charlton, Kent, Oct. 28 at 11, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Oct. 14.
- THOMAS GRIFFITHS**, late of Lower Rosomon-street, Clerkenwell, and Golden-lane, St. Luke's, Middlesex, grocer, now of Park-street, Southwark, Surrey, out of business, Oct. 30 at 11, London: Off. Ass. Cannan; Sol. Harcourt, 2, King's-arms-yard, Coleman-street.—Pet. f. Oct. 16.
- HENRY CATON STEARER**, Lambeth-walk, Surrey, cheesemonger, Oct. 28 at 11, London: Off. Ass. Whitmore; Sol. Preston, 15, Broad-street-buildings, City.—Pet. f. Oct. 12.
- JOSEPH LOVEGROVE**, Vicarage-place, Kensington, Middlesex, surgeon, Oct. 29 at 12, London: Off. Ass. Whitmore; Sol. Philip, 36, Bucklersbury.—Pet. f. Oct. 15.
- JOHN OWEN CLARKE**, Lindsay-cottages, Lower-road, Islington, Middlesex, and Dorset-street, Fleet-street, City, printer, Oct. 29 at 11, London: Off. Ass. Cannan; Sols. Treherne & Wolferstan, 17, Gresham-street.—Pet. f. Oct. 15.
- JOHN DARBY SAYSELL**, Blundell-street, Caledonian-road, Islington, Middlesex, draper, Nov. 6 at 12, London: Off. Ass. Cannan; Sols. Bennett & Paul, 1, Sise-lane.—Pet. f. Oct. 15.
- CHARLES GREEN**, Brighton, Sussex, gasfitter, Oct. 28 at 1, London: Off. Ass. Whitmore; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Oct. 12.
- WILLIAM DIEZMAN**, Three-colt-lane, Cambridge-road, Middlesex, baker, Oct. 31 at 1, London: Off. Ass. Cannan; Sol. Waller, 2, Duke-street, Adelphi.—Pet. f. Oct. 17.
- THOMAS REYNOLDS**, Henry-street, Pentonville, Middlesex, hosier, Oct. 29 at 2, London: Off. Ass. Pennell; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Oct. 15.
- JAMES GEORGE INGRAM**, Tottenham-court-road, Middlesex, woollendrapery (carrying on business under the style or firm of Nesbitt & Co.), Nov. 7 at 11, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Oct. 14.
- EDWARD KINGETT M'NAMARA**, North Woolwich, Kent, hotel keeper, Nov. 6 at 11, London: Off. Ass. Pennell; Sol. Beard, 10, Basinghall-street.—Pet. f. Oct. 16.
- WILLIAM COOPER**, Forest-gate, Essex, out of business, formerly of Brentwood, licensed victualler, Oct. 31 at 2, London: Off. Ass. Pennell; Sol. Preston, 15, Broad-street-buildings, City.—Pet. f. Oct. 14.
- WILLIAM DOBSON**, Old Gravel-lane, St. George-in-the-East, Middlesex, builder, Oct. 29 at 3, London: Off. Ass. Pennell; Sols. Brown & Godwin, 31, Finsbury-place, City.—Pet. f. Oct. 15.
- JOHN FINLAY**, Henry-street, Portland-town, Middlesex, grocer, Oct. 31 at 12, London: Off. Ass. Stansfeld; Sols. Stevens & King, 6, Gray's-inn-square.—Pet. f. Oct. 17.
- FRANCIS ROBERT STRADMAN**, King-street, Finsbury-square, Middlesex; Manchester; and Hull and Bradford, Yorkshire, shoe warehouseman, Nov. 1 at 3, London: Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry-chambers, City.—Pet. f. Oct. 18.
- JAMES BUSHBY**, Aldershot, Hampshire, coal dealer, Oct. 30 at 12, London: Off. Ass. Stansfeld; Sols. Elmale, 10, Lombard-street, City.—Pet. f. Oct. 16.
- ANDREW BLACK**, Melbourne-place, Cambridge-road, Bethnal-green, and Helmet-row, Old-street, Middlesex, dry fishmonger (carrying on business under the name of John Stewart), Oct. 30 at half-past 12, London: Off. Ass. Graham; Sol. Eaden, 9, Gray's-inn-square.—Pet. f. Oct. 16.
- GEORGE SAMUEL JEALOUS**, Strand, manager to a printer, and late of Chichester-place, Gray's-inn-road, Middlesex, printer, Oct. 31 at 11, London: Off. Ass. Edwards; Sol. Harcourt, 2, King's-arms-yard, Moorgate-st.—Pet. f. Oct. 17.
- NICHOLAS WILLIAM GIBSON**, Austin-friars, City, shipbroker, Oct. 30 at 11, London: Off. Ass. Edwards; Sols. Gibbs & Tucker, 17, Clement's-lane, City.—Pet. f. Oct. 16.
- JAMES PRESTON**, formerly of Kingland-road, Middlesex, tobacconist, but now a prisoner for debt in the Queen's Prison, Southwark, Oct. 30 at 1, London: Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.—Oct. f. Oct. 16.
- ISAAC NOAH DAVIS**, Brentford, Middlesex, distiller, Oct. 30 at 12, and Nov. 28 (instead of Nov. 15, as already advertised) at 1, London: Off. Ass. Bell; Sol. Nicholson, Lime-street.—Pet. f. Oct. 7.
- JOHN SILVERTHORNE**, Gillingham, Dorsetshire, corn dealer, Oct. 28 at 11, and Nov. 28 at 12, London: Off. Ass. Bell; Sols. Dickinson, Poole, Dorsetshire; Flux & Argles, 9, Mincing-lane, London.—Pet. f. Oct. 4.
- HENRY ALABASTER**, Stratford New-town, Essex, baker, Nov. 1 at half-past 1, and Nov. 29 at 11, London: Off. Ass. Whitmore; Sols. Lawrance & Co., 14, Old Jewry-chambers, City.—Pet. f. Oct. 8.
- JOHN LOCKWOOD**, Stowmarket, Suffolk, innkeeper, Oct. 30 and Nov. 27 at 1, London: Off. Ass. Pennell; Sols. Cree & East, 13, Gray's-inn-square, London.—Pet. f. Oct. 1.
- EDWARD WEST**, Hitchin, Hertfordshire, draper, Nov. 1 at 11, and Nov. 29 at 12, London: Off. Ass. Cannan; Sol. Jones, 15, Sise-lane, London.—Pet. f. Oct. 7.
- FRANCIS HENRY DEAKINS**, Ledbury, Herefordshire, licensed victualler, Oct. 28 at 11, Birmingham: Off. Ass. Kinnear; Sols. East & Parry, Birmingham.—Pet. f. Oct. 14.
- RICHARD WRIGHT**, Birmingham, polisher, Oct. 29 at 12, Birmingham: Off. Ass. Kinnear; Sols. East & Parry, Birmingham.—Pet. f. Oct. 14.
- WILLIAM TAYLOR SMITH and WADE HAMPTON SMITH**, Sedgley, Staffordshire, mine drainers, Oct. 28 at 11, Birmingham: Off. Ass. Kinnear; Sols. Hodgson & Allen, Birmingham.—Pet. f. Oct. 14.
- HENRY WESTON**, Eastwood, Nottinghamshire, dealer in smallwares, Oct. 29 at 11, Nottingham: Off. Ass. Harris; Sol. Ashwell, Nottingham.—Pet. f. Oct. 15.
- JONATHAN KETLEY**, Birmingham, coke merchant, Oct. 30 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Oct. 16.

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## THE JURIST.

LONDON, OCTOBER 26, 1861.

IN concluding our observations on the statutes recently passed for the consolidation and amendment of the criminal law, we observed that those enactments, however open to objection in certain respects, were a valuable step in the direction of law reform. We also alluded to, and now proceed to the more particular consideration of, another statute of last session, the 24 & 25 Vict. c. 101, intitled "An Act for promoting the Revision of the Statute Law, by repealing divers Acts and Parts of Acts which have ceased to be in force," which is even a more important step in that direction, not so much on account of the enactments which it contains, as for the important announcement in its preamble, indicating far greater changes in future sessions of Parliament.

The statute in question—the 24 & 25 Vict. c. 101—commences with the following recital:—

"Whereas, with a view to the revision of the statute law, and particularly to the preparation of an edition of the statutes comprising only enactments which are in force, it is expedient that divers acts and parts of acts which have ceased to be in force otherwise than by express and specific repeal should be expressly and specifically repealed: and whereas the acts mentioned in the schedule to this act have so ceased to be in force to the extent specified in the third column of the said schedule: be it therefore enacted &c. as follows."

The 1st section then repeals, for the future, either wholly or partially, the acts mentioned in its schedule. The number of statutes thus wholly or partially repealed amounts to between 800 and 900; the earliest being the 11 Geo. 3, c. 32, relative to militia pay, and the latest the 16 & 17 Vict. c. 125—the Metropolitan Sewers Continuance and Amendment Act.

Perhaps the acts thus repealed are supposed to be all those of the category to which they belong which are to be found in the century between the 1 Geo. 3 (1760) and the present time.

The 2nd section provides as a short title for the act, "The Statute-law Revision Act, 1861."

The Legislature has thus announced the intention of our rulers to prepare the way for an edition of the statutes comprising only enactments which are in force—unquestionably a most desirable object, but the literal attainment of which is well nigh, if not altogether, impossible: because, for this purpose, it would be necessary for those who have charge of that great project of reform to go through the whole of the statute book, reading it all along in connexion with the common law and the decisions upon the statutes, and then determine, authoritatively; first, that every portion of the abbreviated statute book which it is intended to call into existence is law, and has *not* been repealed, either directly or by implication; and, secondly, that every statute *not* found in that book is not law, as having been repealed. The magnitude of this task must be obvious at a glance. But although a literal fulfilment of the promise contained in the preamble to the Statute-law Revision Act may be impossible, a close and most valuable approximation to it is perfectly attainable; and this, perhaps, is all that the preamble to that statute intended to promise. A statute book might easily be drawn up, declaring that all statutes *not* contained in it are not law, without professing to guarantee that *none* of the statutes contained in it are repealed. Such a work would be a dwarf compared with the enormous and ill-digested statute book we possess at present. And there is one reason why it is not always advisable, on passing a consolidation or amending act, to remove the old act from the statute book *immediately*. The language of the original and consolidating act being sometimes completely identical, and sometimes partly so, the judi-



cial interpretation put on the earlier statute remains obligatory in the former case, and is a valuable guide to the exposition of the new statute in the latter. But to appreciate and apply all this, judges and practitioners must necessarily have both the old and the new statute before them.

In the great and noble design of thus improving the statute book, much assistance is afforded by the repeal which has taken place of late years of a large number of statutes and parts of statutes, and by the number of others which have become obsolete or inoperative. Most of what are called "consolidation acts," of which so many have been passed in the present century, repeal a large number of acts; many old ones, for instance, were swept away to make room for "Peel's Acts," the Bankrupt-law Consolidation Act, the recent acts for consolidating and amending the criminal law, &c.; and a few years since a statute was passed, the 19 & 20 Vict. c. 64, by which about 120 acts, "together with all enactments, if any, confirming, continuing, or perpetuating the same," were wholly repealed. The statutes in this last act had long been thoroughly obsolete; the earliest mentioned is the Statute of Westminster 2 (13 Edw. 1), c. 33, and the last the 17 Geo. 3, c. 42; while the bare titles of some of them—as, for instance, the 25 Edw. 3, stat. 5, c. 22, "He that purchaseth a Provision in Rome for an Abbey shall be out of the King's Protection, and any Man may do with him as with the King's Enemy," and the 1 Hen. 6, c. 3, "What sort of Irishmen only may come to dwell in England"—shew the absurdity and mischief of retaining such enactments in the statute book. To all this must be added the numerous mutiny acts, excise acts, and other acts relating to the revenue, most of which are of a transitory nature; together with the large number of acts professedly temporary, and those acts which only continue or perpetuate other acts. Many of these, especially of the first three classes, are immensely bulky.

We trust, therefore, that we are now in the fair way of reform in our statute book—a reform likely to be the more effective because it must necessarily be slow; and have only to express our sincere hope, that having entered upon this great undertaking, nothing will induce our rulers to depart from or delay it. When the statute book shall have been thus expurgated and reduced to a reasonable size, the question of "codification" of our laws generally will fairly present itself—in other words, whether the sweeping away our existing system of law, and constructing a new one out of materials selected from it, together with any fresh materials that it may be deemed advisable to introduce; or the reforming the old law, by introducing into it such amendments as are required to suit the changes of habits and manners of our people and the general progress of society, is the safest principle of legislation. But the discussion of this great question is at present premature.

#### ELAND v. BAKER.—ADDING PROVISIONS TO A DEED.

SOME time ago (ante, p. 331) we took occasion to observe on the distinction between the interpretation of the words of an instrument, and the interpretation

of the instrument itself, and on the importance of recognising the true nature of what is done when a rule of interpretation is applied which adds to the instrument a term not expressed in it, and probably not contemplated by the framer of it. We said, "The business of the interpreter is, *first* to ascertain what the writer has actually expressed, and *then* to supply such further terms, which he has not expressed and probably did not intend or contemplate, as are *necessary* to be supplied in order to carry the expressed intention into effect;" and we illustrated the latter process by an example of two legacies in a will, each of them given to a class of persons, both expressed in the same terms, and both expressed without any indication, and probably without any forethought, of the time when the class should be ascertained, and therefore requiring that term to be supplied, not upon conjecture of an intention which probably never existed, but according to a certain *rule of interpretation*. The interpolation is made, not for the purpose of altering the expressed intention, but, from the necessity of the case, to make the expressed intention work—to define, according to rule, what has been left undefined and must be defined before any action can ensue. The bold introduction, under some of these rules of interpretation, in order to arrive at a practical result, of terms which are wholly unsanctioned by the language of the instrument, has often been supposed to be the result of conjectures as to the probable intention of the parties, and has been sometimes followed, as if it were an example of a justifiable qualification of the expressed intention, in order to effect some presumed intention. This is a grave error. There are cases where, on the ground of mistake or fraud, the expressed terms of a written contract may be rectified; but the rules under which that is done belong to a wholly distinct branch of law or equity.

There are also cases where the literal purport of an instrument is so absurd or improbable, and the terms in which it is expressed lie so near to those in which a rational and probable intention might have been expressed, that the Court feels justified in assuming that the framer of the instrument did not know how to express himself, and, with some stretch of authority, gives effect to the suggested rational scheme. These are cases standing each on its own foundation, and cannot be generalised into a system of rules. But generally we may say, that when an instrument expresses a lawful intention which can be carried into effect, no Court is justified in inserting any condition or qualification which is not required for the purpose of correcting manifest or proved error.

We think that these distinctions have been overlooked in the recent case of *Eland v. Baker* (7 Jur. N. S., part 1, p. 956). The instrument to be construed was a marriage settlement, by which the father of the lady settled lands upon trust for the lady's separate use during her life, then for the husband for life, and then for the children of the marriage as the parents should appoint, and in default of appointment, then equally. The settlement contained a proviso that it should be lawful for the father, the husband, and the wife, with the consent in writing of the trustees, or, after the death of the father, for the husband and wife with the like consent, by deed absolutely to revoke all the uses, trusts, provisos, and declarations contained in the settlement concerning the property, and by the same or any other deed to limit and declare *new and other* uses, trusts, provisos, and declarations in lieu of and in substitution for those revoked. After the birth of children of the marriage one of the trustees lent 1000*l.* to the husband, and took, as security for the repayment of it, a mortgage of the settled property, by a deed in which the father,

wife, and husband revoked the uses of the settlement, and limited the property to the use of the mortgagee in fee, with power of sale. The Master of the Rolls held that the title could not be forced on a purchaser from the mortgagee. He relied principally on the words relating to the appointment of new uses in lieu of the old uses. A simple power of revocation would have given it back to the father. "I read this as a power of revocation for the purpose of relimiting the estate, and relimiting the estate to any new uses and trusts. How must the estate be relimited? To what trusts, and with what declarations? To trusts for the benefit of the persons who are the *cestuis que trust* of the instrument, according to the true scope and intention of the deed itself. Here is an agreement, upon marriage, that certain lands of the father of the lady shall be settled to the uses therein contained—that is to say, to the use of the husband and wife, and to the children of the marriage. This power of revocation in the settlement *must mean a revocation in relation to and for the benefit of the persons who are parties to the marriage, and the consent of the trustees must be given for that purpose.*" His Honor then suggested that on a different construction the power would enable the husband, after the father's death, with the consent of the trustees (his wife being, in the eyes of the Court, a nullity), to appropriate the estate to his own use, and that the Court could never allow that to be done. The trustees were to exercise their discretion in favour of the persons *they* were bound to protect. No great stress was laid on the circumstance that the trustee was the mortgagee. Of course, if the trustee had *purchased* the estate under the power of revocation and new appointment, or had exacted unreasonable interest, the transaction could not have stood. But, under the circumstances of the case, we venture to submit that the Court had no jurisdiction to defeat the clearly-expressed intention of the parties. The argument of the mortgagee's counsel was irresistible. A power to certain persons to revoke the uses of a marriage settlement, and to limit the property in any other manner, is a power which may lawfully be introduced into a settlement; and if the parties had intended such a power they could not have expressed their intention more completely than by the words used in the settlement in question. The construction adopted by the Master of the Rolls would strike out of the settlement both the power of revoking and the power of resettling; for a power to resettle "to trusts for the benefit of the persons who are the *cestuis que trust* of the instrument" is a nullity. If you resettle in trust for the same persons, and give them the same interests as before, you do nothing. If you resettle so as to take from one in order to give to another, you do not resettle for the benefit of the *cestuis que trust*. In this very case the resettlement consisted in giving to one of the *cestuis que trust*—the husband—a charge of 1000*l.* at the expense of the others. The object of the parties was plainly this—to reserve to themselves the power of disposing differently of the property if they should think fit, and to place some check upon themselves in the exercise of that power, by making the sanction of the trustees necessary. It might be advisable, for the sake of assisting the husband in a profitable enterprise, to raise money for his benefit; and the father, the wife, and the trustees might allow him to do it. A simple power of revocation would not have been sufficient; it would merely have revested the estate in the father or his heirs, and the power was to subsist after his death. There was added a power to limit *any new or other uses or trusts*. The intention was reasonable and probable; the words fully and completely expressed it; nothing was necessary to be

added or expunged for the purpose of carrying the instrument into effect; there was no suggestion of fraud, mistake, or absurdity; and we cannot help thinking, that if the counsel who argued the case, and the judge who decided it, had taken time to consider and distinguish the several grounds upon which alone Courts have jurisdiction to alter or add to the terms of a written instrument, the case would have been decided differently. It is true that the decision was only a refusal to force the title under the mortgage on a purchaser; but the case was not within the rule as to doubtful titles. A title is doubtful when it depends on facts which are not sufficiently proved, or on a question of law as to which courts of co-ordinate jurisdiction are in conflict. It is not doubtful merely because a judge feels a difficulty in making up his mind about it.

G. S.

#### REMARKS ON THE BANKRUPTCY ACT, BY THE COMMITTEE OF THE MANCHESTER ASSOCIATION FOR THE PROTECTION OF TRADE.

TO THE MEMBERS OF THE MANCHESTER ASSOCIATION  
FOR THE PROTECTION OF TRADE.

GENTLEMEN,—The new Bankruptcy Act having come into operation, we beg to call the attention of the members of this association, and of the mercantile public generally, to one or two points of very serious import arising out of the changes introduced into the administration of the law of debtor and creditor.

By the new act the relative positions of the creditors' assignee and the official assignee are completely changed; and, before accepting the office of assignee, persons ought to make themselves acquainted with the responsibilities they will incur.

##### *Creditors' Assignee.*

The clauses referring to the duties and responsibilities of the creditors' assignee, and which provide that every three months his accounts shall be verified upon oath, and submitted to the audit of the official assignee; shall find security, if a majority of the creditors and the court require it; shall be liable to dismissal by a majority *in value* of the creditors; and may at any time be called upon by *one-fourth in value* of the creditors to shew cause why he should not be dismissed; will operate as a serious impediment in the way of any mercantile man undertaking the office, and therefore will have a tendency to throw the management of the estate into the hands of the bankrupt's friends.

##### *Deed Clauses.*

The changes introduced by what are known as the "deed clauses" are most important, and demand the earnest attention of all persons interested in the settlement of insolvent estates.

These clauses stand in the act as sects. 192 to 199, both inclusive, and they were specially intended, as was said, for the benefit and advantage of the commercial classes; but we fear that, in practice, they will prove not only no boon, but a positive injury.

The object of the 192nd section is to bind a minority of creditors to an arrangement which has been accepted by "a majority in number, representing three-fourths in value, of the creditors." The importance of making deeds so binding is self-evident, because it is notorious that scarcely a case arises without one or more creditors standing out with a view to obtain a preference.

The following are the conditions which must be fulfilled before any deed can be made so binding:—

1. A majority in number, representing three-

- fourths in value, of the creditors, must assent to the deed.
2. Any trustees appointed must execute the deed.
3. Execution by the debtor must be attested by a solicitor.
4. Deed must be registered within twenty-eight days.
5. On so doing, an affidavit by the debtor, or some person able to depose thereto, or a certificate by the trustees, that the required majority have, in writing, assented to or approved of such deed or instrument, and also stating the value of the debtor's property and creditors comprised in such deed, must be left with the deed.
6. The deed must be stamped (as required by sect. 195) with an ad valorem duty of 5s. per cent. on the sworn or certified value of the estate and effects, in addition to the ordinary stamp duty.
7. Immediately on the execution of the deed by the debtor, *possession of all the property* comprised therein, of which the debtor can give or order possession, shall be given to the trustees.

As the result of considerable experience, we would say that in many, if not in most, cases it is practically impossible to obtain the consent of "a majority in number, representing three-fourths in value, of the creditors" above 10%, within the twenty-eight days given for registration.

That in the case of large estates, no trustee, and certainly no solicitor, will, at the risk of not being repaid, advance the stamp duty, which, *in addition to the former duty*, is to be impressed on the deed before registration, and which may reach 200%.

That the *debtor* cannot be relied on to make an affidavit, as required, of his creditors and estate, because in many cases an insolvent is afterwards advised that he has done wrong in executing the deed.

And that there will be great, and perhaps insuperable, difficulty in a *trustee* obtaining in the twenty-eight days all the information to enable him to certify "the amount in value of the property and creditors of the debtor comprised in such deed." In cases of estates comprising considerable assets abroad, it is clearly impossible to do this.

Again: how is a trustee conscientiously to certify to the assent of the requisite number and value of creditors to the deed? Is he personally to obtain their signatures, or is he to take for granted that a number of signatures shewn to him are the genuine signatures of the creditors?

It does not appear whether, if any error is made in such certificate, or in the calculation on which it is based, it will vitiate the registration; but if it will, then an unintentional error may upset everything; and if it will not, then a false certificate may be given in a fraudulent case, and the creditors will be bound thereby.

#### *Composition Deeds not included.*

But the most important objection is to the condition, that "immediately on the execution thereof (the deed) by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees." Now, the essence of an arrangement, in case of composition, generally is, that it is considered for the benefit of all parties that the *debtor* shall remain in possession of his property and carry on his trade, but that the creditors shall have power to take possession on default of payment of an instalment, or other circumstances making it expedient to do so.

No such arrangement will, under the new statute,

be binding on any creditor who shall not execute the deed, because such a deed would not comply with the seventh condition of sect. 192.

*Possession by the trustees* would frustrate the whole arrangement; and therefore, we presume, in nearly all cases of composition, there will be the same opportunity as heretofore of an unscrupulous creditor obtaining a preference over the others, or throwing the estate into the Gazette.

#### *Stamp Duty.*

We have before incidentally noticed the stamps on deeds, and the commercial community, who have been such special objects of the Lord Chancellor's care, should understand, that, after having made bad debts, their dividends are to be lessened by a stamp duty (in addition to the 35s. formerly impressed) of 5s. per cent. on the value of the property to which they must resort for their dividends, the maximum amount of duty being 200%. The stamp is double the present stamp on mortgages.

#### *Deeds of Assignment cannot be relied upon as Acts of Bankruptcy.*

Deeds of assignment are now placed in a peculiar position.

Sect. 194 requires that every deed (of course, whether it be a deed under sect. 192 or otherwise) executed by a debtor for the benefit of creditors shall be registered within twenty-eight days from its execution by the debtor, "and in default thereof it shall not be received as evidence."

Sect. 198 provides that a certificate of the registration of such deed shall be a protection to the debtor against any process of common law, unless by "leave of the court;" and that it "shall be available to the debtor for all purposes as a protection in bankruptcy." Now, as a protection in bankruptcy is absolute, the creditor could not avail himself of the "leave of the court" to proceed even if obtained.

Sect. 199 provides that, pending the time allowed for registration, proceedings in bankruptcy, if commenced, shall be stayed, "and if the deed be duly registered the petition shall be dismissed."

The combined effect of these clauses will be, that in future no deed of assignment can be relied upon as an act of bankruptcy, because, if not registered, it cannot be received as evidence, under sect. 194; and if registered, it is a bar to proceedings in bankruptcy, under sect. 199, and is a protection at common law, under sect. 198.

It seems to us that this will open the door to great frauds, perpetrated under the protection of an act of Parliament, and against which the creditors will have no remedy.

#### *Assignment the Means of concealing Fraud.*

A fraudulent assignment to a man of straw will, if registered (and there is nothing to prevent registration), act practically as an absolute protection against all further inquiry; and glaring exposures, like those which have taken place in recent bankruptcies, will probably in future be avoided by the judicious selection of a friendly trustee, who will make all things smooth and comfortable. As the laws stood previously, an assignment could have been upset, *because it was an act of bankruptcy*; but now, although it may still continue an act of bankruptcy in a technical sense, it is one which is incapable of proof, or which itself defeats the issue of a fiat.

We have thus pointed out the bearing of the act on the ordinary mode of settlements by deed, which, in a large majority of cases, are either by deeds of composition or deeds of assignment; and we have shewn that the former are excluded from the benefits of the act, *though not from the taxation clause*, and that the latter are rendered dangerous instruments.

These defects, amongst others, were pointed out during the discussions in Parliament, but the clamour was for "the bill, the whole bill, and nothing but the bill;" and although the House of Lords, after a very patient consideration, amended or struck out most of the objectionable clauses, they were nearly all restored subsequently, and now form part of the law of the land.

We are, gentlemen, yours respectfully,  
 PHILIP GILLIBRAND, Chairman.  
 CHAS. WATSON.  
 FRANCIS TAYLOR.  
 WM. BUTTERFIELD.  
 ROBT. M. SHIPMAN.

Manchester, Oct. 19, 1861.

## COUNTY COURT ORDERS IN BANKRUPTCY.

### GENERAL ORDERS FOR REGULATING THE PRACTICE AND PROCEDURE OF THE COUNTY COURTS.

IN pursuance of the powers vested in us by the Bankruptcy Act, 1861, we, James Manning, John Bury Dasant, Douglas Denon Heath, John Worledge, and William Furner, have framed the following General Orders, and do certify the same to the Lord Chancellor accordingly, this 12th October, 1861:—

1. The General Orders of the Court of Bankruptcy made in pursuance of the Bankrupt-law Consolidation Act, 1849, the Bankruptcy Act, 1854, and of the Bankruptcy Act, 1861, except the Orders Nos. 119 to 158, both inclusive, of the Orders of the 19th October, 1852, the Order of the 3rd February, 1855, the Orders of the 19th May, 1855, the Order of the 19th June, 1856, and the Orders Nos. 10, 11, 15, and 18 of the Orders of the 12th October, 1861, shall be the Rules and Orders for regulating the practice and procedure of the county courts in matters of bankruptcy in such courts, so far as the same are applicable and not inconsistent with any of the following Orders.

2. The place of sitting of each county court in matters of bankruptcy shall be the place at which the court now holds, or may hereafter hold, its sittings for the general business of the court, under the provisions of the act 9 & 10 Vict. c. 95, or of any act amending or extending the provisions of the same.

3. The times of the sitting of each county court in matters of bankruptcy shall be those appointed for the transaction of the general business of the court, unless the judge of any such court shall otherwise order, and shall appoint a special day or days for a sitting of the court in matters of bankruptcy.

4. In matters of bankruptcy in the county courts the proceedings shall be in the several forms set forth in the schedule attached to these Orders; and where forms for any proceeding in such matters are not provided in the schedule, the forms in use in the Court of Bankruptcy shall be used, so far as the same are applicable.

5. Every petition for adjudication of bankruptcy presented under the 94th section of the Bankruptcy Act, 1861, shall be printed on parchment or paper, and shall be in the form set forth in the schedule, and, except so far as may be necessary to adapt the printed form to the circumstances of the particular case, no alterations, interlineations, or erasures shall be permitted without the leave of the court or a registrar thereof.

6. Forthwith after the filing in court of the statement of a person presenting a petition for adjudication of bankruptcy against himself, in pursuance of sect. 93 of the Bankruptcy Act, 1861, the high bailiff shall transmit, by post, a notice, in the form set forth in the schedule, to each creditor named in such state-

ment, informing him of the fact of such petition having been presented.

7. The affidavit to be made by a person petitioning for adjudication of bankruptcy against himself in form *pauperis* shall be in the form set forth in the schedule, and shall be annexed to the petition.

8. The notice of an order for a registrar to attend at a gaol for the examination of prisoners, in pursuance of sect. 101 of the Bankruptcy Act, 1861, required to be given to the gaoler, and to the execution and detaining creditors of such prisoners, shall be sent by post by the messenger of the court, and such notice shall be in the form set forth in the schedule.

9. The registrar of a county court shall, as official assignee, assist a bankrupt in preparing the statement of his accounts, by giving him access to his books and papers, and by furnishing him with all information necessary to enable him to comply, in such statement, with the requirements of the court.

10. Notice of any sale to be made by auction under the provisions of sect. 137 of the Bankruptcy Act, 1861, shall be given in two local newspapers at least fourteen clear days before the sale shall be held.

11. It shall be the duty of the high bailiff to attend all meetings of the court in matters of bankruptcy, and to serve all summonses, notices, &c., to execute all warrants and processes, to prepare and cause to be inserted in the Gazette and newspapers all notices of meetings to be holden in pursuance of this act, and to do and perform all other things which are required to be done or performed by a messenger of the Court of Bankruptcy.

12. The costs of printing and postages in any matters of bankruptcy in the county courts shall be defrayed out of the proceeds of the bankrupt's estate, and when such estate is insufficient to pay such costs the same shall be paid out of the chief registrar's account.

13. The cost of all necessary advertising in the Gazette and newspapers, in proceedings on a petition of a pauper prisoner, shall be paid out of the chief registrar's account.

14. In matters of bankruptcy in the county courts, for which forms are not provided in the schedule, the forms used in the Court of Bankruptcy shall be followed *mutatis mutandis*.

### SCHEDULE.

#### No. 1.

*Record of the taking the Oath prescribed by Sect. 7 of the Bankruptcy Act, 1861, to be entered in the Minute Book of each Court over which the Judge presides.*

#### THE BANKRUPTCY ACT, 1861.

Be it remembered that C.D., judge of this court, did at the general quarter sessions of the peace holden at —, in and for the county of —, take the oath prescribed by the Bankruptcy Act, 1861.

#### No. 2.

*Petition for Adjudication of Bankruptcy against himself by a Debtor whose Debts do not exceed 300l.*

#### THE BANKRUPTCY ACT, 1861.

To the County Court of —, holden at —.

The humble petition of [here insert at full length the name, address, and description of the petitioner, and also the description of the trade or business, or trades or businesses which he carries on, or has carried on during six or the longest period of six months' residence within the district of the court next before the filing of his petition],

Sheweth,

That your petitioner, having resided for the longest period during the last six calendar months next before the date of this petition within the district of this court, to wit, the

period of —, at —, and owing debts not exceeding 300*l.*, and being unable to meet his engagements with his creditors, doth pray that he may be adjudged a bankrupt. And your petitioner shall ever pray, &c.

A. B.

No. 3.

*Notice by Prisoner of his Intention to petition a County Court for Adjudication of Bankruptcy against himself.*

THE BANKRUPTCY ACT, 1861.

Take notice, that I intend to present a petition to the county court of —, holden at —, for adjudication of bankruptcy against myself. Dated this — day of —.

A. B.,

A prisoner in the gaol [or prison] at —, in the county of —.

To the gaoler [or keeper] of the gaol [or prison] at —, in the county of —.

No. 4.

*Petition for Adjudication of Bankruptcy against himself by a debtor in custody whose Debts do not exceed 300*l.**

THE BANKRUPTCY ACT, 1861.

To the County Court of —, holden at —.

The humble petition of [here insert at full length the name, address, and description of the petitioner, and also the description of the trade or business or trades or businesses which he carries on, or has carried on during six or the longest period of six months at —, in the county of — next before his committal to prison],

Sheweth,

That your petitioner, being a prisoner in — gaol [or prison] at —, in the county of —, and owing debts not exceeding 300*l.*,\* and being unable to meet his engagements with his creditors, doth pray that he may be adjudged a bankrupt.

And your petitioner states that he has given notice in writing to the keeper of the above-named gaol [or prison] of his intention to file this petition.

[Add, when the petitioner petitions in formâ pauperis, and your petitioner, not having the means of paying the fees and expenses usually payable in respect of a petition by a debtor to an adjudication of bankruptcy, hath made an affidavit to that effect, as required by the statute.]

And your petitioner will ever pray, &c.

No. 5.

*Affidavit of Truth of Allegation in Petition.*

THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

I, the petitioner named in the petition hereunto annexed, make oath [if the petitioner affirm, alter the form accordingly] and say, that the several allegations in the said petition are true, and that I verily believe the debts justly due and proveable in bankruptcy against my estate amount in the whole to a sum not exceeding 300*l.*

Sworn at &c., before me,

C. D., Registrar of the above Court.  
[or a Commissioner, &c.]

No. 6.

*Statement to be filed in Court, by Debtor petitioning for Adjudication against himself, of Debts, &c.*

THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

I, A. B., of —, in the county of —, make oath and say, that the following statement signed by me is a full, true, and accurate statement of my debts and liabilities of every kind, and of the names and residences of my creditors, and of the causes of my inability to meet my engagements.

A. B.

Sworn at &c., before me, &c.

\* Omit the words "and owing debts not exceeding 300*l.*" when prisoner petitions in formâ pauperis.

† If prisoner petitions in formâ pauperis, end here.

## STATEMENT.

Creditors.		Amount due to each unsecured Creditor, including Interest and Costs, where due.	Nature of Consideration.	Amount due to each secured Creditor, after deducting the Value of the Security.	Nature and Value of Security.	If contracted previous to my former Bankruptcy or Insolvency, so state in each Case, or barred by any Statute of Limitations.
Names.	Residences.					
Totals . . . . .						
Total unsecured debts . . . . .						
Total of all debts . . . . .						

The causes of my inability to meet my engagements are [here state them, and if bankrupt or insolvent previously, state the day and year, and the court in which he was so.]

A. B.

No. 7.

THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

Statement of Accounts required by sect. 141 of the above Statute, made by me, A. B., of —, a Bankrupt in this Court.

Specifications of all property, real and personal, in which I have had an interest at any time since the — day of —, 18—, to the present time, shewing, when, how, to whom, for whom, and for what consideration any portion of any such property has been parted with.

Date.	£	s.	d.

Account shewing what part of such property is now available for the benefit of my creditors, and the particular application of the proceeds of such property as has been parted with.

Date.	£	s.	d.

## CREDITORS.

N.B.—Where there are cross demands, the party must be entered both as creditor and debtor, and "set-off" must be written under the amount.

No.	Names and Descriptions of Creditors and Claimants, and their present or last Residences.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also, if the Debt is disputed, the Reason thereof.
		£ s. d.			

DEBTORS.

N.B.—Where there are cross demands, the party must be entered both as creditor and debtor, and “set-off” must be written under the amount.

No.	Names, Descriptions, and Places of Abode of Debtors.	Amount.	When contracted.	Good, Bad, or Doubtful.	Nature and Consideration of the Debt; also, Securities, if any, for the same.	Witnesses, with their Residences, and other Evidence by which the Debt may be proved.
		£ s. d.				

PROPERTY IN POSSESSION.

Real and personal estates and effects which were in my possession, enjoyment, or control, or which were held by any other person or persons in trust for my use, or to the possession or enjoyment of which I was entitled at the time of subscribing my petition.

		Supposed Value.
		£ s. d.
1. Interests in land.	Freehold, copyhold, and leasehold property, with local description, names of tenants, and annual rent of the same, and statement of incumbrances (if any) thereupon, with the dates thereof . . . . .	
2. Personal property.	Household goods and furniture at — Wearing apparel . . . . . Jewels, trinkets, and ornaments of the person . . . . . Plate, linen, and china . . . . . Wines and other liquors . . . . . Books, prints, and pictures . . . . . Horses, cows, and other animals . . . . . Carriages . . . . . Farming stock and implements of husbandry . . . . . Stock-in-trade in my business of — . . . . . Machinery and utensils in my business of — . . . . . Ships and shares of ships, viz — . . . . . Cash, bill, promissory notes, bonds, and other personal property not before specified . . . . .	
3. Property in the funds, annuities, shares, &c.	Annuities, money in the public or other funds, shares in canal and other companies; shewing in whose name the same are standing, also when and by whom the last dividend or other payment was received in respect of the same . . . . .	
4. Unpaid legacies.	Legacies due, but unpaid, with all particulars concerning the same . . . . .	

Books, deeds, papers. The following is a true list of all books, papers, deeds, and writings relating to my estate and effects, or any part thereof, which at the time of presenting my petition were, or at any time since have been, in my possession, or under my custody or control, or in the possession or custody of any person in trust for me, or for my use, benefit, or advantage:—

PROPERTY IN REVERSION, &c., PLACES, PENSIONS, RIGHTS, AND POWERS.

N.B.—Contingent as well as vested interest must be entered. Real and personal estates and effects in which I have any interest, in reversion, remainder, or expectancy.

		Supposed Value of my Interest if now to be sold.
		£ s. d.
1. Interest in land.	Freehold, copyhold, and leasehold property, with names and descriptions of persons now enjoying the same, and the annual value thereof; also the nature of my interest therein, and from whom and in what manner it is derived.	
2. Personal property.	Personal property, with names and descriptions of persons now enjoying the same; also the nature of my interest therein, and from whom and in what manner it is derived.	
3. Property in the funds, annuities, shares, &c.	Annuities, money in the public or other funds, shares in canal and other companies; shewing in whose names the same are standing, with names and descriptions of persons now enjoying the same; also the nature of my interest therein, and from whom and in what manner it is derived.	
Places and pensions in possession or reversion.	Places of benefit or advantage held by me, with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me or on my behalf, or of and from which I derive, or may derive, any benefit or advantage.	
Rights and powers.	Rights and powers which I, or any other person or persons in trust for me, or for my use, benefit, or advantage, am or are in any manner seised or possessed of, or interested in, or entitled unto, or which I, or any other person or persons in trust for me, or for my benefit, have any power to dispose of, charge, or exercise for my benefit or advantage.	

I, —, do hereby swear that the contents of this statement, and of all and every part thereof respectively, are true, and that I possess no other property whatsoever than that therein mentioned.

Sworn at &c., before me, —.

N.B.—The above statement must begin at or before the day on which the earliest debt, still unpaid, was contracted by the bankrupt.

If before that period, but since the commencement of the bankrupt's present embarrassments, any property has gone away from him by sale, assignment, mortgage, distress, execution, or any means other than the ordinary course of trade, the account must commence so as to include all such transactions.

The blanks in the description of the debtor side of the account must be filled with a date early enough for compliance with the above directions.

The specific appropriation of each sum received must be separately shewn, where the case admits of it.

The date of each item in the account must be given, by stating the day as well as the year, where the same can be ascertained.

The money and other property which was in the possession



of the petitioner or his family, or of any other person for his or their benefit, at the time when he filed his petition, must in all cases be made a specific item or items in the account.

The word "none" to be entered opposite the description of any property of which the bankrupt has not been possessed.

## No. 8.

*Declaration of Proof of Debt by Creditor, under Sect. 144 of the Bankruptcy Act, 1861.*

## THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

In the matter of A. B., of —, bankrupt.

I, C. D., of —, do declare that the statement of the debts [and of the account (if any)] between me and the bankrupt, hereunto annexed, is a full, true, and complete statement of account between me and the bankrupt, and that the debt thereby appearing to be due from the estate of the bankrupt to me was, on or about the — day of —, 18— [the date of the bankruptcy], and still is, justly due to me.

C. D., creditor above named.

## No. 9.

*Declaration of Proof of Debt by Agent to a Body Politic or Public Company, under Sect. 144 of the Bankruptcy Act, 1861.*

## THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

In the matter of A. B., of —, bankrupt.

I, C. D., agent to [here state name of body politic or company], incorporated [or authorised to sue or bring actions], do declare that I am such agent, and authorised to make this proof, and that the statement of the debt [and of the account (if any)] between the said body politic [or company] and the bankrupt, hereunto annexed, is a full, true, and complete statement of account between the said body politic [or company] and the bankrupt, and that the debt thereby appearing to be due from the estate of the bankrupt to the said body politic [or company] was, on or about the — day of —, 18— [the date of the bankruptcy], and still is, justly due to the said body politic [or company].

C. D., agent to the [here state name of body politic or company].

## No. 10.

*Affidavit in Proof of Debt by Creditor or Agent, under Sect. 146 of the Bankruptcy Act, 1861.*

## THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

In the matter of A. B., of —, bankrupt.

I, C. D., of —, do hereby make oath and say [or I, E. F., of —, agent of C. D., of —, do hereby make oath and say], that the statement of the debt [and of the account (if any)] between me [or the said C. D.] and the bankrupt, hereunto annexed, is a full, true, and complete statement of account between me [or the said C. D.] and the bankrupt, and that the debt thereby appearing to be due from the estate of the bankrupt to me [or the said C. D.] was, on or about the — day of —, 18— [the date of the bankruptcy], and still is, justly due to me [or the said C. D.] [Add, when affidavit is made by an agent—And I do hereby make oath and say, that I am the agent of C. D., and that I am duly authorised by him to make this affidavit, and that it is within my own knowledge that this debt was incurred, and for the consideration mentioned in the statement hereunto annexed, and that, to the best of my knowledge and belief, the debt still remains unpaid and unsatisfied.]

C. D., creditor.

[or E. F., agent to C. D.]

Sworn at &c., before me, —.

## No. 11.

*Form of Adjudication.*

## THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

In the matter of A. B., of — [following the description given by the petitioner in his petition.]

Upon reading the petition of the above-named A. B., and also his affidavit, stating that the several allegations in the said petition are true, and that he verily believes that the debts justly due and proveable in bankruptcy against his estate amount in the whole to a sum not exceeding 300*l.*, I do adjudge the said A. B. a bankrupt.

[If petitioner is a prisoner, and the proceedings are to be transferred to another county court, then add, and I do order that the proceedings on this adjudication be transferred to the County Court of —, holden at —.]

Given under my hand, and the seal of this court, this — day of —, 186—.

—, Judge.

## No. 12.

*Form of Petition by Person appointed to represent a Lunatic.*

## THE BANKRUPTCY ACT, 1861.

In the matter of A. B., a lunatic prisoner for debt in the gaol of —, at —, in the county of —.

To the County Court of —, holden at —.

The humble petition of C. D., of —, Sheweth,

That your petitioner hath been appointed by the Court of Bankruptcy for the — district to represent A. B., a lunatic prisoner for debt in the above gaol [or prison.]

That the said A. B. is unable to meet his [or her] engagements with his [or her] creditors.

And that your petitioner verily believes the debts justly due and proveable in bankruptcy against the said lunatic prisoner's estate amount in the whole to a sum not exceeding 300*l.*

Your petitioner therefore prays that the said A. B. may be adjudged a bankrupt.

C. D.

Signed by the petitioner on the — day of —, 18—.

## No. 13.

*Conviction of Bankrupt of Misdemeanour by a Judge.*

## THE BANKRUPTCY ACT, 1861.

In the matter of A. B., of —, a bankrupt.

At a sitting of the County Court of —, holden at —, this — day of —, 18—.

Whereas the said A. B., having been adjudged bankrupt, did on the — day of — pass his last examination, and did on the same day apply for an order for his discharge, and thereupon the court did appoint a sitting of the court to be held on the — day of —, for the purpose of considering the question of granting to the said bankrupt such order of discharge:

And whereas the court, being then of opinion that there was ground for charging the said bankrupt with acts or conduct amounting to a misdemeanour under the Bankruptcy Act, 1861, that is to say [set out the offence], did, the bankrupt consenting thereto, direct a clear statement in writing of the charge to be delivered to the said bankrupt, and the same charge was delivered accordingly:

And whereas the court did appoint this day for trying the said bankrupt upon such charge, and the court did direct C. D., the creditors' assignee [or official assignee, or a creditor of the said bankrupt], to act as prosecutor on such trial:

Now I, the judge of the said court, do adjudge that the said A. B. did, contrary to the form of the statute in that case made and provided [here set out the offence]; and I do adjudge that the said A. B., for his [or her] said offence, shall be imprisoned in — gaol [and there kept to hard labour] for the space of —.

—, Judge.

## No. 14.

*Conviction of Bankrupt of Misdemeanour by Verdict.*

THE BANKRUPTCY ACT, 1861.

In the matter of A. B., of —, a bankrupt.

At a sitting of the County Court of —, holden at —, this — day of —, 18—.

Whereas the said A. B., having been adjudged bankrupt, did on the — day of — pass his last examination, and did on the same day apply for an order for his discharge, whereupon the court did appoint a sitting of the court to be holden on the — day of —, for the purpose of considering the question of granting to the said bankrupt such order of discharge:

And whereas the court, being then of opinion that there was ground for charging the said bankrupt with acts or conduct amounting to a misdemeanour under the Bankruptcy Act, 1861, that is to say [*set out the offence*], did, the bankrupt consenting thereto, direct a clear statement in writing of the charge to be delivered to the said bankrupt, and the same statement was delivered accordingly:

And whereas the court did appoint this day for trying the said bankrupt upon such charge, and, the said bankrupt requiring it, the court did summon a jury for such purpose, and the court did direct C. D., the creditors' assignee [*or official assignee, or a creditor of the said bankrupt*], to act as prosecutor on such trial:

And whereas the said jury did by their verdict find that the said A. B. did, contrary to the form of the statute in that case made and provided [*here set out the offence*]:

Now I, the judge of the said court, whose name is hereunder written, do thereupon adjudge that the said A. B., for his [*or her*] offence, be imprisoned in — [and there kept to hard labour] for the space of —.

—, Judge.

## No. 15.

*Warrant of Committal for Misdemeanour.*

THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

Whereas A. B., of —, was this day duly convicted by [*or before*] me, the judge of the said court acting in prosecution of an adjudication of bankruptcy against the said A. B., for that the said A. B. did, contrary to the form of the statute in that case made and provided [*here set out the offence*], and I did adjudge that the said A. B., for his [*or her*] offence, should be imprisoned in —, of —, in the county of — [and there kept to hard labour], for the space of —:

These are, therefore, to will, require, and authorise you, the high bailiff and others the bailiffs of this court, immediately upon receipt hereof, to take into your custody the body of the said A. B., and him safely to convey to her Majesty's gaol of —, and there deliver him to the governor [*or gaoler*] thereof, together with this warrant; and the said governor [*or gaoler*] of the said gaol is hereby authorised and required to receive the said A. B. into his custody, and him safely to keep and detain, with [*or but without*] hard labour, for the period of —.

Given under my hand, and the seal of this court, this — day of —, in the year of our Lord 18—.

To —, the high bailiff, and others the bailiffs of the said county court, and to all peace officers, and to the governor [*or gaoler*] of her Majesty's gaol at —.

(L.s.)

(Signed) —, Judge.

## No. 16.

*Affidavit of Pauper Prisoner.*

THE BANKRUPTCY ACT, 1861.

I, the undersigned A. B., of —, being now a prisoner for debt in the gaol [*or prison*] at —, in the county of —, and being desirous of petitioning for an adjudication of bankruptcy against myself, do make oath and say that I have not the means of paying the fees and expenses usually payable

in respect of a petition by a debtor for an adjudication of bankruptcy.

Sworn this — day of —, 18—, at — prison [*or gaol*], before me, — A. B., Gaoler.

## No. 17.

*Form of Adjudication against a Prisoner petitioning in Form of Pauper.*

THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

In the matter of A. B., of [*following the description given by the petitioner in his petition.*]

Whereas A. B. aforesaid, now a prisoner in the gaol [*or prison*] at —, in the county of —, has presented a petition to this court, praying that he may be adjudged a bankrupt, and has made an affidavit stating that he has not the means of paying the fees and expenses usually payable in respect of a petition by a debtor for an adjudication of bankruptcy:

And whereas the said A. B., having been brought before this court, has been examined by me touching his estate and effects, debts, dealings, and transactions:

Now I, [*not*] being satisfied with the answers made by the said A. B., do [*not*] adjudge him a bankrupt. [*To be added when protection granted—* and do hereby grant the said A. B. protection from arrest from any claim, debt, or demand now due from or owing by him.]

—, Judge.

## No. 18.

*Order for Registrar to attend Gaol.*

THE BANKRUPTCY ACT, 1861.

I, E. F., judge of the County Court of —, holden at —, in pursuance of the power conferred upon me by the Bankruptcy Act, 1861, do order that the registrar of this court do attend at the — gaol [*or prison*] at —, in the county of —, at — o'clock in the —noon, and then and there examine the prisoners included in the return made by the gaoler of the said gaol [*or keeper or governor of the said prison*], dated the — day of —, 18—, and hereto annexed, and proceed thereon and make orders as the said statute directs.

E. F., Judge.

## No. 19.

*Form of Notice to the Gaoler and detaining Creditors of the Attendance of a Registrar to release Prisoners.*

THE BANKRUPTCY ACT, 1861.

Take notice, that the judge of the County Court of —, holden at —, has made an order, in pursuance of sect. 101 of the above act, that the registrar of the said court do attend at the gaol [*or prison*] at —, in the county of —, on — next, at — o'clock in the —noon, and examine A. B., of —, now a prisoner for debt at such gaol [*or prison*], when the said registrar will have power to make an order of adjudication of bankruptcy against the said A. B., and for his [*or her*] release from prison, and to direct in what court such bankruptcy shall be prosecuted.

(Signed) C. D.,

High Bailiff of the said Court.

To the gaoler of — gaol [*or* E. F., creditor of the above A. B.]

## No. 20.

*Registrar's Order after Examination.*

THE BANKRUPTCY ACT, 1861.

In the matter of —, late of —, in the county of —, a prisoner for debt in the gaol [*or prison*] at —, in the county of —, on this — day of —, 18—.

Whereas, in pursuance of an order of the judge of the said court, dated the — day of —, 18—, I, a registrar of the said court, attended on the — day of —, 18—, at the said gaol [*or prison*], and there examined the said prisoner, whose examination in writing is filed herewith, whereby it appears that the said prisoner, being a trader [*or non-trader*], had, on the said — day, been in prison for debt [*or as the case may be*], at the suit of —, of —, for fourteen days [*for two calendar months*], namely, from the — day of

—, and that the last place of his abode and place of business [or place of abode], within six months next prior to his imprisonment, was —, and that the said prisoner has not been summoned under a judgment debtor summons [or that having been summoned under a judgment debtor summons, he has not offered such security for the debt or debts in respect of which he is imprisoned or detained as I deem reasonably sufficient]:

I do adjudge the said A. B. a bankrupt, and I do hereby grant the said A. B. protection from arrest from any claim, debt, or demand now due or owing by him; and I do hereby order that the said A. B. be forthwith discharged from custody; and I do hereby direct that the said bankruptcy be prosecuted in the court of bankruptcy for the — district [or in the county court of —, holden at —.]

—, Registrar.

#### No. 21.

##### *Registrar's Report of Prisoner refusing to appear &c.*

##### THE BANKRUPTCY ACT, 1861.

In the matter of A. B., late of —, in the county of —, a prisoner for debt [or as the case may be] in — gaol [or prison] on this — day of —, 18—.

Whereas, in pursuance of an order of the judge of the County Court of —, holden at —, dated the — day of —, 18—, I attended at — gaol [or prison] at —, on this — day of —, 18—, and examined A. B., a prisoner confined in the said gaol [or prison] for debt [or as the case may be]:

And whereas the said A. B. refused to appear before me [or refused to be sworn, or refused to answer the lawful questions put to him (or her) by me (or by —, the execution or detaining creditor, or a creditor of the said A. B.) respecting his debts, liabilities, dealings, and transactions, or to make a full discovery of his estate and effects, and of all his books of account, or to produce the same]; [or that the said A. B., having been examined by me in accordance with the provisions of the above act, refused to sign his examination when taken]:

Now, therefore, do report such refusal to you, —, Esq., the judge of the County Court of —, holden at —.

(Signed) —, Registrar of the said Court.

#### No. 22.

##### *Warrant of Committal.*

##### THE BANKRUPTCY ACT, 1861.

At the County Court of —, holden at —.

In the matter of A. B., late of —, in the county of —, a prisoner for debt [or as the case may be] in — gaol [or prison] on this — day of —, 18—.

Whereas, it appearing by the return made to this court by the gaoler of — gaol [or keeper or governor of — prison], dated the — day of —, 18—, that A. B., late of —, was detained in the said gaol [or prison] for debt [or as the fact was stated], I did, in pursuance of the above act, order that the registrar of this court should attend at the said gaol [or prison] on the — day of —, 18—:

And whereas, by the report of the said registrar made in pursuance of the said statute, and dated the — day of —, 18—, it appears [here set out the registrar's report as to the refusal of the prisoner]:

These are, therefore, to will, require, and authorise you, the high bailiff and others the bailiffs of this court, immediately upon the receipt hereof, to take into your custody the body of the said A. B., and him safely to convey to her Majesty's gaol of —, and him there to deliver to the governor [or gaoler], together with this warrant; and the said gaoler of the said gaol is hereby authorised and required to receive the said A. B. into his custody, and him safely to keep and detain, without bail or mainprize, with [or but without] hard labour, for the period of —\*.

Given under my hand, and the seal of this court, this — day of —, in the year of our Lord 18—.

(L.S.)

—, Judge.

To —, high bailiff, and others the bailiffs of the County Court of —, holden at —, and to all peace officers, the governor [or gaoler] of her Majesty's gaol at —.

\* Not to exceed one month.

#### No. 23.

##### *The Adjudication in Bankruptcy under the last preceding Order.*

##### ADJUDICATION OF BANKRUPTCY.

##### THE BANKRUPTCY ACT, 1861.

At the County Court of —, holden at —.

In the matter of A. B., late of —, in the county of —, a prisoner for debt in — gaol [or prison].

Whereas, it appearing to me, by a return dated the — day of —, 18—, made by the gaoler of — gaol [or keeper of — prison], that A. B., late of —, was detained in the said gaol [or prison] for debt [or as the fact was stated in the return], I did order that the registrar of this court should attend at the said gaol [or prison] on the — day of —, 18—:

And whereas, by the report of the said registrar, dated the — day of —, it appears [here set out the registrar's report as to the refusal of the prisoner]:

Now, therefore, I do declare and adjudge the said A. B. a bankrupt.

Given under my hand, and the seal of this court, this — day of —, 18—.

—, Judge.

#### No. 24.

##### *Order of Discharge to Gaoler by Registrar.*

##### THE BANKRUPTCY ACT, 1861.

In the matter of A. B., late of —, in the county of —, a prisoner for debt in — gaol [or prison] on this — day of —, 18—.

Whereas, in pursuance of an order of the judge of the County Court of —, holden at —, dated the — day of —, 18—, I attended on the — day of —, 18—, at the said gaol [or prison], and, having examined the said prisoner, I adjudged him to be a bankrupt:

Now, therefore, I do order you forthwith to discharge the said A. B. from your custody; and for so discharging him this shall be your sufficient warrant.

C. D., Registrar of the said Court.

To the gaoler of the gaol of — [or keeper of — prison.]

#### No. 25.

##### *Order of Discharge to Gaoler by Judge upon Report of Registrar that a Prisoner refuses to be sworn &c.*

##### THE BANKRUPTCY ACT, 1861.

At the County Court of —, holden at —.

In the matter of A. B., late of —, in the county of —, a prisoner for debt in — gaol [or prison] on the — day of —, 18—.

Whereas, by a return made to this court by you as gaoler of — gaol [or keeper of — prison], dated the — day of —, 18—, it appeared that the above A. B. was detained in the said gaol [or prison] for debt [or as the fact was stated]:

And whereas I did, in pursuance of the above act, order the registrar of this court to attend at the said gaol [or prison] on the — day of —, 18—, then and there to examine the prisoner as directed by the said act:

And whereas it appears, by a report of the said registrar, dated the — day of —, 18—, that the said registrar did so attend, but that the said prisoner did [here set out the registrar's report as to the refusal of the prisoner]:

And whereas I, in pursuance of the above act, have, by warrant under my hand and the seal of this court, committed the said prisoner to her Majesty's gaol of —, and adjudged him to be a bankrupt:

I do hereby order that the said prisoner be given up by you to the high bailiff or one of the bailiffs of this court, upon production to you of this order; and for so giving up the prisoner this shall be your sufficient warrant.

(L.S.)

X. Y., Judge.

To the gaoler of — gaol [or keeper of — prison.]

## No. 26.

## Certificate of Registrar of a County Court of the Particulars of each Case of Prisoners examined by him.

## THE BANKRUPTCY ACT, 1861.

I, C. D., Registrar of the County Court of Pembrokehire, holden at Haverfordwest, do certify that on the 15th day of November I attended at the gaol [or prison] at Haverfordwest, in the county of Pembroke, and examined the persons included in a return made by the keeper of such gaol [or prison], as being in his custody on the (1st) day of November, 1861, and that the particulars of the examination of every such person are as follows:—

C. D.

Name of Person detained.	Residence or Place of Business for the longest period of Six Months next preceding his Imprisonment.	Date of Imprisonment.	Number of Days that he had been detained on the day of my Examination.	Whether Trader or Non-trader.	Amount of Debts for which he is detained.	Names and Addresses of detaining Creditors.	Has been summoned on a Judgment Debtors (Sect. 71). Summons to appear at the Court and on the day stated below.	Nature of Security offered for Debt in respect of which he is detained. (Sect. 71).	Has not been summoned on a Judgment Debtors (Sect. 71). Summons.	Trade or calling of Person detained.	Total Amount of Debts and Liabilities as ascertained on Examination.	Total Amount of Assets as ascertained on Examination.	Cause of Insolvency as shown on Examination.	Memorandum of what was done in each Case.
J. A.	Haverfordwest, in the county of Pembroke.	7th Sept. 1861.	59	Trader.	£ 363 17 6	A. B. C. D.	Bristol District Court of Bankruptcy to appear 26 Nov. 1861.	Mortgage of a house.	—	Miller.	£ 1500	£ 488	Misfortune in trade.	Adjudged a bankrupt, as I did not deem the security offered by him for the debts in respect of which he is detained reasonably sufficient.
H. F.	Narberth, in the county of Pembroke.	3rd Aug. 1861.	64	Non-trader.	89 4 4	G. H.	.. ..	.. ..	Has not.	Accountant.	250	34	Illness of himself and family.	Adjudged a bankrupt with protection. Order of release made, and adjudication directed to be prosecuted in the County Court of Pembrokehire, holden at Narberth.
W. S.	Neath, in the county of Glamorgan.	1st March. 1861.	259	Non-trader.	893 0 0	W. L. R. S.	.. ..	.. ..	Has not.	Gentleman.	5000	2084	Extravagance.	Adjudged a bankrupt without protection. Adjudication directed to be prosecuted in the Bristol District Court of Bankruptcy.
A. L.	Haverfordwest, in the county of Pembroke.	3rd Oct. 1861.	33	Non-trader.	69 0 0	A. F.	.. ..	.. ..	—	Clark to an attorney.	—	—	—	Not examined, he being a non-trader, and not having been in prison two calendar months.

## No. 27.

*Form of Notice to Creditors named in Statement of a Petitioner for Adjudication against himself.*

## THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —,

To C. D., of —.

Take notice, that A. B., of —, has presented a petition to this court for an adjudication of bankruptcy against himself, and has inserted in the statement of his creditors, filed by him, your name as one of such creditors, to the amount of £—; and that the meeting of creditors will be held on the — day of —, 18—, of the holding of which due notice will be given in the London Gazette and one or more local newspapers, and at which meeting you will be at liberty to prove your debt against the estate of the said petitioner.

Should you be unable to attend such a meeting, you may prove such debt in the manner provided by the act.

E. F., Official Assignee.

[Here set out sects. 144, 145, and 146 of the Bankruptcy Act, 1861.]

## No. 28.

*Order of Discharge, when granted at the same Sitting of the Court at which the Bankrupt has passed his last Examination.*

## THE BANKRUPTCY ACT, 1861.

In the County Court of —, holden at —.

In the matter of A. B., of —, adjudged bankrupt on the — day of —, 18—.

Whereas, at a public sitting of this court held on the — day of —, for the said bankrupt to pass his last examination, and also to make application for his order of discharge under the Bankruptcy Act, 1861 (whereof, and of the purport whereof, the notice required in that behalf was duly given), the said bankrupt passed his last examination, and upon application then and there made by the said bankrupt for such discharge, it was adjudged by the court that the said bankrupt was entitled to such discharge: now, therefore, the court allows and orders such discharge accordingly† [or, if the discharge were suspended, then, after the words "such discharge," proceed as follows—after suspension thereof for the period of —, the reasons for such suspension being, that it appeared to the court that &c. (stating the reasons): and whereas the period of suspension has now elapsed: now, therefore, the court allows and orders such discharge accordingly.]

Given under my hand, and the seal of this court, on the — day of —, 18—.

(L. S.)

—, Judge.

Signed and sealed in the presence of

—, Registrar.

## No. 29.

*Order of Discharge, when granted at a Sitting of the Court appointed after the Bankrupt has passed his last Examination.*

## THE BANKRUPTCY ACT, 1861.

In the matter of A. B., of —, adjudged bankrupt on the — day of —, 18—.

Whereas, at a public sitting of this court appointed after the bankrupt passed his last examination, and held on the — day of —, for the purpose of considering the question of granting to the bankrupt his order of discharge under the Bankruptcy Act, 1861 (whereof, and of the purport whereof, the notice required in that behalf was duly given), it was adjudged by the court [proceed as in the form of order

\* If adjourned, add "and by adjournment on the — day of —."

† "If the order of discharge be wholly refused, or be granted subject to any condition, or any sentence of imprisonment has been awarded, alter and state the facts accordingly." (See sects. 157 and 159).

‡ If adjourned, add "and by adjournment on the — day of —."

of discharge when granted at the same sitting at which the bankrupt passed his last examination.]

J. MANNING.  
J. B. DASENT.  
D. D. HEATH.  
JOHN WORLEDGE.  
W. FURNER.

I sanction these orders,

WESTBURY, C.

October 12, 1861.

## Court Papers.

## SITTINGS IN MICHAELMAS TERM, 1861.

## Court of Chancery.

Before the LORD CHANCELLOR.

At Westminster.

Saturday .... Nov. 2 { Appeal Motions, Petitions, and Appeals.

At Lincoln's Inn.

Monday .....	4	} Appeals.
Tuesday .....	5	
Wednesday ....	6	
Thursday .....	7	} Appeal Motions and Appeals.
Friday .....	8	
Saturday .....	9	} Appeals.
Monday .....	11	
Tuesday .....	12	
Wednesday ....	13	} Appeal Motions and Appeals.
Thursday .....	14	
Friday .....	15	} Appeals.
Saturday .....	16	
Monday .....	18	
Tuesday .....	19	} Appeals.
Wednesday ....	20	
Thursday .....	21	
Friday .....	22	} Appeal Motions and Appeals.
Saturday .....	23	
Monday .....	25	} Petitions and Appeals.
		} Appeal Motions and Appeals.

Before the LORDS JUSTICES.

At Westminster.

Saturday .... Nov. 2 { Appeal Motions.

At Lincoln's Inn.

Monday .....	4	} Appeals.
Tuesday .....	5	
Wednesday ....	6	
Thursday .....	7	} Appeal Motions and Appeals.
Friday .....	8	
Saturday .....	9	} Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Monday .....	11	
Tuesday .....	12	
Wednesday ....	13	} Appeals from the County Palatine of Lancaster and Appeals.
Thursday .....	14	
Friday .....	15	} Appeal Motions and Appeals.
Saturday .....	16	
Monday .....	18	
Tuesday .....	19	} Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Wednesday ....	20	
Thursday .....	21	
Friday .....	22	} Appeals.
Saturday .....	23	
Monday .....	25	} Appeal Motions and Appeals.

Notice.—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are, excepted.

*Before the MASTER OF THE ROLLS.**At Westminster.*

Saturday .... Nov. 2 Motions.

*At Chancery-lane.*

Monday..... 4 }  
 Tuesday..... 5 } General Paper.  
 Wednesday .... 6 }  
 Thursday ..... 7 } Motions.  
 Friday ..... 8 } General Paper.  
 Saturday ..... 9 } Petitions, Short Causes, Adjourned  
                                 Summonses, and General Paper.  
 Monday..... 11 }  
 Tuesday..... 12 } General Paper.  
 Wednesday .... 13 }  
 Thursday ..... 14 } Motions.  
 Friday ..... 15 } General Paper.  
 Saturday ..... 16 } Petitions, Short Causes, Adjourned  
                                 Summonses, and General Paper.  
 Monday..... 18 }  
 Tuesday..... 19 } General Paper.  
 Wednesday .... 20 }  
 Thursday ..... 21 } Motions.  
 Friday ..... 22 } General Paper.  
 Saturday ..... 23 } Petitions, Short Causes, Adjourned  
                                 Summonses, and General Paper.  
 Monday..... 25 } Motions.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.**At Westminster.*

Saturday .... Nov. 2 Motions.

*At Lincoln's Inn.*

Monday..... 4 }  
 Tuesday..... 5 } General Paper.  
 Wednesday .... 6 }  
 Thursday ..... 7 } Motions and General Paper.  
 Friday ..... 8 } Petitions.  
 Saturday ..... 9 } Short Causes, Adjourned Summonses,  
                                 and General Paper.  
 Monday..... 11 }  
 Tuesday..... 12 } General Paper.  
 Wednesday .... 13 }  
 Thursday ..... 14 } Motions and General Paper.  
 Friday ..... 15 } Petitions.  
 Saturday ..... 16 } Short Causes, Adjourned Summonses,  
                                 and General Paper.  
 Monday..... 18 }  
 Tuesday..... 19 } General Paper.  
 Wednesday .... 20 }  
 Thursday ..... 21 } Motions and General Paper.  
 Friday ..... 22 } Petitions.  
 Saturday ..... 23 } Short Causes, Adjourned Summonses,  
                                 and General Paper.  
 Monday..... 25 } Motions and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.**At Westminster.*

Saturday .... Nov. 2 Motions.

*At Lincoln's Inn.*

Monday..... 4 }  
 Tuesday..... 5 } General Paper.  
 Wednesday .... 6 }  
 Thursday ..... 7 } Motions and General Paper.  
 Friday ..... 8 } Petitions and General Paper.  
 Saturday ..... 9 } Short Causes and General Paper.

Monday..... 11 }  
 Tuesday..... 12 } General Paper.  
 Wednesday .... 13 }  
 Thursday ..... 14 } Motions and General Paper.  
 Friday ..... 15 } Petitions and General Paper.  
 Saturday ..... 16 } Short Causes and General Paper.  
 Monday..... 18 }  
 Tuesday..... 19 } General Paper.  
 Wednesday .... 20 }  
 Thursday ..... 21 } Motions and General Paper.  
 Friday ..... 22 } Petitions and General Paper.  
 Saturday ..... 23 } Short Causes and General Paper.  
 Monday..... 25 } Motions.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir W. P. WOOD.**At Westminster.*

Saturday .... Nov. 2 Motions.

*At Lincoln's Inn.*

Monday..... 4 }  
 Tuesday..... 5 } General Paper.  
 Wednesday .... 6 }  
 Thursday ..... 7 } Motions and General Paper.  
 Friday ..... 8 } General Paper.  
 Saturday ..... 9 } Petitions, Short Causes, and General  
                                 Paper.  
 Monday..... 11 }  
 Tuesday..... 12 } General Paper.  
 Wednesday .... 13 }  
 Thursday ..... 14 } Motions and General Paper.  
 Friday ..... 15 } General Paper.  
 Saturday ..... 16 } Petitions, Short Causes, and General  
                                 Paper.  
 Monday..... 18 }  
 Tuesday..... 19 } General Paper.  
 Wednesday .... 20 }  
 Thursday ..... 21 } Motions and General Paper.  
 Friday ..... 22 } General Paper.  
 Saturday ..... 23 } Petitions, Short Causes, and General  
                                 Paper.  
 Monday..... 25 } Motions.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

COMMON-LAW SITTINGS, IN AND AFTER  
MICHAELMAS TERM, 1861.*Court of Queen's Bench.**In Term.*

## MIDDLESEX.

## LONDON.

1st sitting, Monday.. Nov. 4 | 1st sitting, Tuesday, Nov. 12  
 2nd sitting, Thursday .... 14 | 2nd sitting, Monday ..... 18  
 3rd sitting, Wednesday ... 20  
 For undefended causes only.

*After Term.*

Tuesday ..... Nov. 26 | Monday ..... Dec. 9

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

*Court of Common Pleas.**In Term.*

## MIDDLESEX.

## LONDON.

Tuesday ..... Nov. 5 | Tuesday ..... Nov. 12  
 Thursday ..... 14 | Monday ..... 18

*After Term.*

## MIDDLESEX.

Tuesday ..... Nov. 26

## LONDON.

Monday ..... Dec. 9

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

**Sychequer of Pleas.***In Term.*

## MIDDLESEX.

1st sitting, Monday .. Nov. 4

2nd sitting, Thursday .... 14

3rd sitting, Wednesday .. 20

## LONDON.

1st sitting, Tuesday, Nov. 12

2nd sitting, Monday ..... 18

*After Term.*

Tuesday ..... Nov. 26

Monday ..... Dec. 9

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

**COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1861.****Court of Queen's Bench.**

## NEW TRIALS.

## FOR ARGUMENT.

*Moved Mich. Term, 1858.*

Cornwall—Lyle v. Richards

*Moved Easter Term, 1861.*

Kent—Fisher v. Prowse (Pt. heard)

Surrey—Curtin v. South-eastern Railw. Co.

Northland—Day v. Snowdon (Demurrer to come on with this rule)

Neville v. Wright

York—Aitchison v. London Monetary Advance &amp; Life Assurance Co. (Limited)

Greenwood v. Horsfall

Liverpool—Watson v. Russell

Kelly v. Wicksteed &amp; ora.

Jackson and Wife &amp; ora. v. Thomason

Liverpool—Denton v. Milligan

Quail v. Hall

Stafford—Palmer v. Lowe

Gloster—Bennett v. White

Cornwall—Venning v. Bray

Glamorg.—Richards v. Morgan

Morgan v. Same

*Tried during Term.*

Midd.—Davies &amp; an. v. Price

Wood v. Finch &amp; an.

Truckham v. Smith

Heckmar v. Isaacs.

*Moved Trinity Term, 1861.*

Midd.—Collier v. Furber

Baker v. Strong

Lond.—Hales v. Hubbard

Clapham v. Langton

*Tried during Term.*

Cripps v. Hartnoll

Thomas &amp; Wife v. Winn.

## SPECIAL PAPER.

Those marked thus \* are Special Cases, and thus † Demurrers.

## FOR JUDGMENT.

†Scott &amp; ora. v. Pilkington

†Munroe &amp; ora. v. Same

## FOR ARGUMENT.

†Shrub v. Eyre (To come on with special case)

\*Neill v. Leatham

†Thornhill &amp; an. v. London, Brighton, and South-coast Railway Co. (Stands over till case in Exch. Chamber disposed of)

†Mason v. Glamorganshire Canal Co.

\*Hall v. Golding

†Pease &amp; ora. v. Chaytor

†Blackett v. Bradley

\*Sambhouse &amp; Wife v. Harris

\*Festing v. Taylor &amp; an.

†Bramston v. The Accidental

Death Insurance Co.

Gosnold v. Henrickson (Appeal from County Court)

\*Gray v. Balls &amp; an.

\*Field v. Morrison &amp; ora.

†Day v. Snowdon (To be argued with case in New Trial Paper)

†Halhead &amp; an. v. Jackson

Ray &amp; an. v. Edmunds &amp; Wife (Appeal from County Court)

†Gales &amp; an. v. Banfield

†Trustees of the River Lee v. Gurney.

\*Patrick &amp; an. v. Chapman

Masfield v. Pritchard (Appeal from County Court)

Deakin v. Manchester, Sheffield, and Lincolnshire Railway Co. (Appeal from County Court)

\*Bavin v. Hutchinson &amp; ora.

†Goodman v. Boycott

†Mals v. Knowles

†Turtle v. Barber

†Mitchell v. Lidgett &amp; ora.

†Wright v. Kitchen

\*Ogden v. Graham &amp; an.

\*Nicholl &amp; ora. v. Allen

Slater v. Reid (Appeal from County Court)

†Bartlett v. Wells

†Brine v. Great Western Railway Co.

†Bassett v. Oswestry and Newtown Railway Co.

\*Turner v. Barnes &amp; ora.

\*Behn v. Burness

Harrison v. Washington (Appeal from County Court)

\*Mayor, &amp;c. of Manchester v. North Cheshire Waterworks Co., Limited.

## ENLARGED RULES.

*First Day.*

Betts v. Menzies (Enlarged till after the decision of the appeal in House of Lords)

In re General Land Drainage, &amp;c. Co. v. Earl of Essex

Neill v. Leatham

In re Charlton

Reg. v. Fisher &amp; an. (Enlarged till judgment in special case)

Reg. v. Kirby.

Same v. Lord Sherard &amp; ora.

Same v. Havens

Same v. Official Principal of the Consistorial Court of London

Same v. Trustees of River Weaver Navigation

Same v. Same

Same v. Same

## CROWN PAPER, MICHAELMAS TERM, 1861.

Tewkesbury .... Reg. v. Severn Navigation Commissioners.

Middlesex ..... Ebrington.

Yorkshire ..... Inhabitants of Bramley.

Anglesey ..... Williams.

Yorkshire ..... Inhabitants of Lundale.

Same ..... Churchwarden of Spenston.

Staffordshire.... Inhabitants of Leominster.

Same..... Inhabitants of Bromwich.

Birmingham.... Inhabitants of Birmingham.

Yorkshire ..... Trustees of Sunak Island Turnpike Road v. Surveyors of the Highways of Otringham.

Same..... Same v. Surveyors of the Highways of Patrington.

Warwickshire .. Reg. v. Wheeler.

Durham..... Robinson v. Humble.

Newcastle-upon-Tyne..... Reg. v. Burial Board of St. John, Westgate.

Metropolitan Police District... Vestry of St. Luke's v. Lewis.

Middlesex..... Reg. v. Vestry of St. Luke's, Chelsea.

Lancashire .... Churchwardens, &amp;c. of St. Mary Arches, Exeter.

Buckinghamshire London). .... Overseers of Colehill.

Yorkshire ..... Biggs v. Mitchell.

Essex..... Whittle v. Frankland.

Lincolnshire .... Reg. v. Lawrence.

Kent ..... Harrison v. Leaper.

Yorkshire ..... Finch v. Blundell.

Liverpool ..... Reg. v. Lundie.

Kent ..... Woodward v. Howton.

Wiltshire ..... Reg. v. Metropolitan Board of Works.

Surrey &amp; Kent .. Gay.

Kent ..... Churchwardens of Faversham.

Same..... Inhabitants of Chiddingstone.

Essex..... Beerling v. Terry.

Nottingham .... Shee v. Dannett.

Leeds ..... Smith v. Vaux.

Rochester..... Frances v. Smithies.

Canterbury .... Reg. p. Hayward.

Sussex ..... Crossdill v. Ratcliff.

Durham..... Reg. v. The Justices of Essex.

Pembrokeshire.. River Wear Commissioners.

Pembroke. Churchwardens of St. Mark's.

Manchester .... Howarth v. Mayor of Manchester.

Yorkshire ..... Glover v. Booth.

London..... Reg. v. Guardians of the City of London Union.



Gloucester.....	Local Board of Health v. Chandler.
Metropolitan Police District..	Anderson v. Gutteridge.
Surrey.....	Reg. v. Measor.
Cheshire.....	Wright.
Plymouth.....	Parker v. Green.
Liverpool.....	Hughes v. Overseers of Toxteth Park.
Metropolitan Police District..	Hart v. Boucher.
Hastings.....	Manson v. Hope.
Glamorganshire..	Reg. v. Inhabitants of Lantwit Vardra.
Somersetshire...	Overseers of the Parish of Walcot.
Same.....	Overseers of the Parish of Walcot, St. Swithin.
Devonshire.....	Petherick v. Sargent.
Yorkshire.....	Taylor v. Stansfield.
Same.....	Reg. v. Directors of the Holme Reservoirs.
Denbighshire...	Hartland.
Cheshire.....	Galliard v. Laxton.
Monmouthshire..	Morton v. Freeman.
Durham.....	Jackson v. Tristram.

### Court of Common Pleas.

#### NEW TRIALS.

<i>Moved Easter Term, 1861.</i>	Midd.—Babbidge v. Adey
London.—Binckes v. Pash (To stand over till Hutchinson v. Copestake is disposed of)	Chilcott v. Stevens
<i>Moved Trin. Term, 1861.</i>	London.—British and Foreign Tanning Co. v. Miles
Midd.—Wallinger v. Gurney	Wallis v. Littell
	Same v. Same.

#### DEMURREE PAPER.

#### SPECIAL ARGUMENTS.

Jones v. Tapling (Sp. C., to stand over till Hutchinson v. Copestake is disposed of)	der of Byles, J., until security for costs given)
Kimbrough v. Croeskey (D.) (Proceedings stayed by order of Byles, J., until security for costs given)	White v. Greenish (Ap.)
	Lidgett v. Perrin (Ap.)
	Colbran v. Barnes (Ap.)
	Wiltshire v. Baker (Ap.)

#### ENLARGED RULE.

Walter v. Whitaker (To stand over until application to Court of Chancery is disposed of).

### Court of Exchequer.

#### SITTINGS—MICHAELMAS TERM, 1861.

<i>Days in Term.</i>	<i>Banc.</i>
Saturday..... Nov. 2	Motions and Peremptory Paper.
Monday..... 4	Errors, Peremptory Paper, and Motions.
Tuesday..... 5	.....
Wednesday..... 6	.....
Thursday..... 7	.....
Friday..... 8	.....
Saturday..... 9	Criminal Appeals.—Lord Mayor sworn.
Monday..... 11	Special Paper.
Tuesday..... 12	Sheriffs nominated.
Wednesday..... 13	Special Paper.
Thursday..... 14	.....
Friday..... 15	.....
Saturday..... 16	.....
Monday..... 18	Special Paper.
Tuesday..... 19	.....
Wednesday..... 20	Special Paper.
Thursday..... 21	.....
Friday..... 22	.....
Saturday..... 23	.....
Monday..... 25	.....

<i>Days in Term.</i>	<i>Nisi Prius.</i>
Monday..... Nov. 4	Middlesex, first Sitting.
Tuesday..... 12	London, first Sitting.
Thursday..... 14	Middlesex, second Sitting.
Monday..... 18	London, second Sitting.
Wednesday..... 20	Middlesex, third Sitting.

#### NEW TRIALS.

FOR ARGUMENT.	<i>Moved after the 4th day of Trinity Term, 1861.</i>
<i>Moved Easter Term, 1861.</i>	Midd.—Popham v. Pickbura.
Midd.—Last v. Dowling	

#### SPECIAL PAPER.

FOR JUDGMENT.	London and North-western Railway Co. v. Great Western Railw. Co. (D., standing over for arrangement)
Tregelles v. Sewell (D., to stand over till after issues in fact tried)	The Anglo-Californian Gold-mining Co. v. Lewis (D.)
FOR ARGUMENT.	Fresart v. Lawrence (D., to stand over till issues in fact tried)
Brewer v. Dimmack (D., part heard, standing for arrangement)	

#### PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.

Hatch v. Lewis	Nuttall v. Bracewell.
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#### ERRORS AND APPEALS.

FOR ARGUMENT.	Company of Proprietors of the Birmingham Canal Navigation v. Earl of Dudley (Error)
Barrow v. Tootal (Error)	Great Western Railway Co. v. Blake (Error)
Jones v. Davies (Ap.)	Bigge v. Parkinson (Error)
Whitmore v. Smith (Ap.)	Beal v. South Devon Railway Co. (Ap.)
Great Northern Railway Co. v. Behrens (Ap.)	Smith v. Rudhall (Error)
Pennington v. Cardale (Error)	Millers v. Tetherington (Error).
Edwards v. Gabriel (Ap.)	
Clarke v. Holmes (Ap.)	
Atkinson v. Denbigh (Ap.)	

FREDERICK WILLIAM ASTLES, Smethwick, Staffordshire, schoolmaster, Oct. 28 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Oct. 14.

HENRY SPILSBURY, Birmingham, licensed victualler, Oct. 30 at 11, Birmingham: Off. Ass. Kinnear; Sols. East & Parry, Birmingham.—Pet. f. Oct. 16.

SIDNEY BURHOUSE, Meltham, Yorkshire, yarn spinner, Oct. 31 at 11, Leeds: Off. Ass. Hope; Sols. Hesp & Owen, Huddersfield; Bond & Barwick, Leeds.—Pet. f. Oct. 16.

THOMAS TAYLOR, Kirkby Malhamdale, Yorkshire, farmer, Oct. 29 at 11, Leeds: Off. Ass. Young; Sols. Robinson, Settle; Cariss, Leeds.—Pet. f. Oct. 16.

JAMES HORNBY, Liverpool, watch manufacturer, Oct. 30 at 11, Liverpool: Off. Ass. Morgan; Sols. Holt & Rowe, Liverpool.—Pet. f. Oct. 16.

EDWARD BEVAN RIGBY and ENOCH ERASMUS HOLDEN, Widnes, Lancashire, commission agents, Oct. 30 at 12, Liverpool: Off. Ass. Bird; Sols. Evans & Co., Liverpool; Haddock, St. Helen's, Lancashire.—Pet. f. Oct. 16.

WILLIAM GORMLEY, Manchester, screw manufacturer, Oct. 30 at 12, Manchester: Off. Ass. Pott; Sols. Slater & Myers, Manchester.—Pet. f. Oct. 14.

JOHN ALLAN, Durham, iron merchant, Oct. 29 at 11, and Nov. 20 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brignal, Durham; Hartley, 14, Gray's-inn-square, London.—Pet. f. Oct. 10.

#### MEETINGS.

James Nicholl and Robert Fraser North, Bishopsgate-st. Within, tallow brokers, Oct. 29 at 12, London, last ex.—W.

*Sword*, Dewsbury, Yorkshire, draper, Nov. 1 at 11, Leeds, last ex.—*James Smith*, Guildford, Surrey, builder, Oct. 31 at half-past 11, London, aud. ac.—*Henry Monk*, Shoeburyness, Essex, furniture dealer, Oct. 31 at 11, London, aud. ac.—*C. Schloezer*, Moorgate-st., City, merchant, Oct. 31 at half-past 11, London, aud. ac.—*Henry Cockman*, Aldersgate-street, City, oilman, Oct. 31 at half-past 11, London, aud. ac.—*F. Thos. Doddington*, Falcon-square, Aldersgate-street, City, and Forest-gate, Essex, manufacturer of fancy drapery goods, Oct. 30 at 1, London, aud. ac.—*William Barnes* and *Samuel Pickering*, Gracechurch-street, City, wholesale boot manufacturers, Nov. 14 at 11, London, div.—*Thomas Burgin* and *Wm. Burgin*, Great Winchester-street, City, upholsterers, Nov. 8 at 11, London, div. joint and sep. ests.—*James Blackwood Wilson*, John-street, Penton-street, Pentonville, Middlesex, draper, Nov. 8 at 11, London, div.—*Wm. Adam*, Great Tower-street, merchant, and *Lloyd's*, City, underwriter, Nov. 8 at 11, London, div.—*George Ames*, Sible Hedingham, Essex, cattle salesman, Nov. 14 at half-past 11, London, div.—*George Patrick Rooney*, Liverpool, licensed victualler, Nov. 8 at 11, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Henry Wakeham Stear*, Bread-street, City, lace warehouseman, Nov. 14 at 11, London.—*Richard Batley*, Park-village East, Regent's-park, Middlesex, timber dealer, Nov. 14 at half-past 1, London.—*Charles Wakefield*, Torrington-terrace, Kentish-town, Middlesex, dealer in timber, Nov. 15 at 11, London.—*Walter Stanton Bougfield*, Isle of Dogs, Middlesex, engineer, Nov. 8 at half-past 11, London.—*Henry Cockman*, Aldersgate-street, City, oilman, Nov. 8 at 12, London.—*Thomas Burgin* and *William Burgin*, Great Winchester-street, City, upholsterers, Nov. 8 at 11, London.—*David Bryce*, Amen-corner, Paternoster-row, City, bookseller, Nov. 8 at 1, London.—*James Frederick Ingledew*, Brighton, Sussex, coal merchant, Nov. 8 at 2, London.—*Richard Harris*, Church-terrace, Kentish-town, Middlesex, builder, Nov. 14 at half-past 1, London.—*George Ames*, Sible Hedingham, Essex, cattle salesman, Nov. 14 at half-past 11, London.—*William Gibb*, Southampton, fishmonger, Nov. 8 at half-past 1, London.—*Henry Benson Cox*, Cowper's-court, Cornhill, City, tavern keeper, Nov. 13 at half-past 2, London.—*Samuel Wilkes*, Cardiff, Glamorganshire, wine merchant, Nov. 12 at 11, Bristol.—*Ebenezer Alston*, Ashton-under-Lyne, and Accrington, Lancashire, grocer, Nov. 13 at 12, Manchester.—*John Essex*, Coventry, Warwickshire, watch manufacturer, Nov. 11 at 11, Birmingham.—*Edward Wevill*, Liverpool, broker, Nov. 12 at 11, Liverpool.—*Richard Harrison* and *John Sherratt*, St. Helens, Lancashire, builders, Nov. 11 at 12, Liverpool.—*Edicard Lyon* and *Joseph Greenwood*, Hayton Quarry, Lancashire, builders, Nov. 12 at 11, Liverpool.—*Joseph Hamerton*, Shibden, Yorkshire, worsted manufacturer, Nov. 8 at 11, Leeds.—*Thomas Gourlay*, Bradford, Yorkshire, draper, Nov. 8 at 11, Leeds.—*George Heath*, Chesterfield, Derbyshire, builder, Nov. 9 at 10, Sheffield.—*John Parkin*, Oughty-bridge, near Sheffield, iron forger, Nov. 9 at 10, Sheffield.—*Thomas Wagstaffe*, Sheffield, cattle salesman, Nov. 9 at 10, Sheffield.—*Henry Donlevy*, Rotherham, Yorkshire, glass manufacturer, Nov. 9 at 10, Sheffield.—*John Whitehead*, Sheffield, joiner, Nov. 9 at 10, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*William Rayner*, Wellington-street, Southwark, Surrey, bill broker.—*John Rice*, Lupus-street, Belgrave-road, Pimlico, Middlesex, butcher.—*Charles Moody*, Portsea, Southampton, edge-tool manufacturer.—*Thomas Pyle* and *Robert Pyle*, Durham, grocers.

#### PETITION ANNULLED.

*Asa Bradbury*, Oldham, Lancashire, cotton spinner.

#### SCOTCH SEQUESTRATIONS.

*Isabella Crawford Patrick*, Glasgow, milliner.—*Robert Montgomery*, Garrisonhaugh, near Wishaw, Lanarkshire, farmer.—*Charles Wallace Clugston*, Glasgow, shoemaker.—*James Torbet*, deceased, Glasgow, corn factor.—*George Hedderwick*, Glasgow, calico printer.—*John Gardner*, Rutherglen, grocer.

TUESDAY, Oct. 22.

#### BANKRUPTS.

LOUISA JENKS, widow, Lewisham, Kent, Nov. 1 at 1, London: Off. Ass. Bell; Sol. Wells, Moorgate-street.—Pet. f. Oct. 18.

RICHARD WATSON, Gravesend, Kent, licensed victualler, Nov. 4 at 11, London: Off. Ass. Bell; Sols. Harrison & Lewis, Old Jewry, London.—Pet. f. Oct. 21.

JOHN MILLER, Golden-lane, Barbican, Middlesex, baker, Nov. 4 at 1, London: Off. Ass. Bell; Sol. Harcourt, 2, King's-arms-yard, Coleman-street.—Pet. f. Oct. 21.

EDWARD BARWICK, Union-court, Old Broad-street, City, general printer, Nov. 1 at 12, London: Off. Ass. Bell.—Pet. f. Oct. 18.

WILLIAM CRIBB, late of Moorgate-street, City, now a prisoner in the Queen's Prison, Nov. 2 at 12, London: Off. Ass. Johnson.—Pet. f. Oct. 15.

SAMUEL WILLIAM HALL, East Dulwich, Surrey, gentleman, Nov. 4 at 3, London: Off. Ass. Graham; Sols. Surr & Gribble, 12, Abchurch-lane, London.—Pet. f. Oct. 21.

EDWARD JAMES STEPHEN DICEY, late of Boulogne-sur-Mer, France, previously of Golden-square, and now of the Strand, Middlesex, formerly a director of a joint-stock company, and since of no trade or occupation, Nov. 5 at 11, London: Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers, City.—Pet. f. Oct. 22.

WILLIAM KNIGHT, Baker-street, Walworth-road, Camberwell, and late of Bishopsgate-buildings, Bishopsgate-street, City, hairdresser, Nov. 2 at 2, London: Off. Ass. Stansfeld.—Pet. f. Oct. 18.

JOHN STEVENS, late of Castle-terrace, New Hampstead-road, Kentish-town, and now of Lonsdale-road, Bayswater, Middlesex, builder, Nov. 2 at 3, London: Off. Ass. Stansfeld.—Pet. f. Oct. 19.

JOHN IVENS, Water Eaton, Bletchley, Buckinghamshire, farmer, Nov. 2 at 2, London: Off. Ass. Cannan; Sols. Messrs. Field, 40, Ely-place, Holborn.—Pet. f. Oct. 19.

WILLIAM HENRY OSBORN, Broad-street-buildings, City, accountant, Nov. 2 at 12, London: Off. Ass. Cannan.—Pet. f. Oct. 18.

JOSEPH SMITH, Lombard-street, City, tailor, Nov. 8 at 11, London: Off. Ass. Cannan; Sols. Brown & Godwin, 21, Finsbury-place.—Pet. f. Oct. 17.

JOHN WILLIAMS, formerly of Swansea, Glamorganshire, printer, late of Paris, and now of King-street, Bloomsbury, Middlesex, out of business, Nov. 1 at 12, London: Off. Ass. Cannan; Sol. Keene, 77, Lower Thames-street.—Pet. f. Oct. 18.

ALBERT DUMMLER, Grove-hill-terrace, Camberwell, Surrey, Nov. 4 at 2, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Oct. 18.

JOSEPH SUMPTON, Uxbridge-road, Ealing, Middlesex, corn chandler, Nov. 1 at 11, London: Off. Ass. Pennell; Sol. Mander, 9, Lincoln's-inn, London.—Pet. f. Oct. 17.

CLEMENTINA CARGILL, widow, Bromley, Kent, Nov. 4 at 12, London: Off. Ass. Pennell; Sol. Davies, 43, Mincing-lane, London.—Pet. f. Oct. 18.

JOSEPH EVANS, late of Ridgway-place, Wimbledon, and Myrtle Villa, Bedford-road, Clapham, Surrey, builder, now a prisoner in the Queen's Bench Prison, Nov. 2 at 1, London: Off. Ass. Pennell; Sol. Kisch, 8, Lancaster-place, Strand, London.—Pet. f. Oct. 12.

JOHN WILLSON HOWELL, Tottenham, Middlesex, builder, Nov. 1 at 1, London: Off. Ass. Pennell; Sols. Shaen & Roace, 8, Bedford-row.—Pet. f. Oct. 15.

JOHN LEA, formerly of Sewardstone, and now of Forest-gate, Essex, Nov. 2 at 1, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Oct. 15.

WILLIAM THOMAS HENDRY, Cannon-street West, City, ironmonger, Nov. 1 at 2, London: Off. Ass. Pennell; Sol. Bodman, 18, Cannon-street, London.—Pet. f. Oct. 15.

GEORGE BALDRY, Chesterton, Cambridgeshire, farmer, Nov. 2 at 12, London: Off. Ass. Pennell; Sols. Whitehead & French, Cambridge; Farrant, Bond-court, Walbrook, London.—Pet. f. Oct. 17.

JAMES ATKINS, Archer-street, Kensington-park, Nottingham, Middlesex, butcher, Nov. 1 at 3, London: Off. Ass. Pennell; Sol. Wells, 47, Moorgate-street.—Pet. f. Oct. 15.

**EDWIN MORECRAFT**, late of Burlington-arcade, Piccadilly, Middlesex, picture dealer, but now a prisoner for debt in Whitecross-street Prison, Nov. 4 at 2, London: Off. Ass. Pennell; Sol. Philip, 26, Bucklersbury, London.—Pet. f. Oct. 18.

**JOHN WILSON**, Edgware-road, Middlesex, coffee-house-keeper, Nov. 1 at 1, London: Off. Ass. Edwards; Sol. Treherne, 17, Gresham-street, London.—Pet. f. Oct. 18.

**JOHN TRASDALE SOFTLEY**, late of Camden-row, Camden-town, Middlesex, afterwards of Somerset-terrace, South-fields, Wandsworth, and now of High-street, Wandsworth, Surrey, plumber, Nov. 1 at 11, London: Off. Ass. Edwards; Sol. Munday, 43, Burton-crescent, London.—Pet. f. Oct. 17.

**JOSEPH PAULL**, Sexley Farm, Upper Clatford, Hampshire, farmer, Nov. 2 at 12, Andover: Off. Ass. Edwards; Sols. Mackey, Southampton; Paterson & Son, 7, Bouverie-street, London.—Pet. f. Oct. 17.

**JOSEPH SOWERBY** and **CHARLES THOMAS TATTON**, Regent-circus, Oxford-street, Middlesex, drapers, (trading under the firm of Sowerby, Tatton, & Co.), Nov. 2 at 11, London: Off. Ass. Edwards; Sols. Ashurst & Co., 6, Old Jewry, London.—Pet. f. Oct. 17.

**HENRY JONES LEIGH**, Leather-lane, Holborn, Middlesex, draper, Nov. 4 at 3, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.—Pet. f. Oct. 18.

**WILLIAM BOOTH**, late of Fordham, Cambridgeshire, but now of Worlington, Suffolk, farmer, Nov. 4 at 1, London: Off. Ass. Edwards; Sol. Richardson, 15, Old Jewry-chambers, London.—Pet. f. Oct. 21.

**RICHARD BARNES AUSTIN**, Berrington-house, Tenbury, Worcestershire, gentleman, Nov. 1 at 11, Birmingham: Off. Ass. Kinnear; Sols. Hodgson & Allen, Birmingham; Pain, Banbury.—Pet. f. Oct. 18.

**GEORGE WILKINSHURST**, Birmingham, surgeon, Nov. 1 at 11, Birmingham: Off. Ass. Whitmore; Sols. East & Parry, Birmingham.—Pet. f. Oct. 18.

**MILES MATHEWS**, Birmingham, licensed victualler, Nov. 2 at 11, Birmingham: Off. Ass. Whitmore; Sols. East & Parry, Birmingham.—Pet. f. Oct. 14.

**JOHN HAWTHORN**, Burslem, Staffordshire, builder, Nov. 2 at 11, Birmingham: Off. Ass. Whitmore; Sols. Lees, Burslem; Smith, Birmingham.—Pet. f. Oct. 19.

**CHARLES SMITHIES**, Leeds, commercial agent, Nov. 4 at 11, Leeds: Off. Ass. Hope; Sol. Pullan, Leeds.—Pet. f. Oct. 19.

**RICHARD CARR STONEHOUSE**, Darlington, Durham, corn factor, Nov. 1 at half-past 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Stony, Newcastle-upon-Tyne.—Pet. f. Oct. 17.

**GEORGE WOOD**, Monkwearmouth, Sunderland, and East Boldon, Durham, timber merchant, Nov. 5 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Slamey, Sunderland.—Pet. f. Oct. 18.

**JOHN TOMLINSON** and **JOHN SHARPLES**, Manchester, joiners (trading under the style or firm of Tomlinson & Sharples), Nov. 6 at 12, Manchester: Off. Ass. Fraser; Sol. Storer, Manchester.—Pet. f. Oct. 12.

**SAMPSON GOODHEIM**, Manchester, cloth-cap manufacturer, Nov. 6 at 12, Manchester: Off. Ass. Hernaman; Sols. Slater & Myers, Manchester.—Pet. f. Oct. 17.

**ROBERT URIB**, Manchester, joiner, Nov. 7 and 28 at 12, Manchester: Off. Ass. Hernaman; Sol. Welsh, Manchester.—Pet. f. Sept. 20.

**JONATHAN PELL**, Cefn-Gwyn, near Aberystwith, Llanbedarnfawr, Cardiganshire, mining agent, Nov. 1 at 11, Bristol: Off. Ass. Acraman; Sols. Vaughan, Lampeter, Cardiganshire; Clark & Co., Bristol.—Pet. f. Oct. 18.

#### MEETINGS.

*George Hillier*, Trowbridge, Wiltshire, marine-store dealer, Nov. 4 at 11, Bristol, pr. d.—*William White*, Wolsey-terrace, Kentish-town, St. Pancras, Middlesex, builder, Nov. 1 at 12, London, last ex.—*Oscar Fitzallen Owens*, Sussex-terrace, Westbourne-grove, Paddington, Middlesex, bookseller, Nov. 2 at 12, London, last ex.—*James Ibbott*, Somersham, Huntingdonshire, builder, Nov. 1 at half-past 1, London, aud. ac.—*Joseph Moss*, Houndsditch, City, wholesale clothier, Nov. 1 at 1, London, aud. ac.—*George Moorhouse*, *Thomas Moorhouse*, *William Moorhouse*, and *Robert Moorhouse*, Barley and Byarden Mills, near Burnley, Lancashire, cotton manu-

facturers, Nov. 13 at 12, Manchester, aud. ac. joint est., and aud. ac. sep. ests. of *G. Moorhouse* and *W. Moorhouse*; Nov. 20 at 12, div. joint est., and div. sep. ests. of *G. Moorhouse* and *W. Moorhouse*.—*James Bolton Robertson*, South Shields, Durham, draper, Oct. 30 at 12, Newcastle-upon-Tyne, aud. ac.—*Wm. Francis Lawrence*, West Bromwich, Staffordshire, draper, Nov. 15 at 11, Birmingham, aud. ac.; Nov. 22 at 11, div.—*Francis Taylor*, Cradley Heath, Rowley Regis, Staffordshire, grocer, Nov. 15 at 11, Birmingham, aud. ac. and div.—*Samuel Dudley*, Tipton, Staffordshire, tailor, Nov. 15 at 11, Birmingham, aud. ac.—*Wm. Rider*, Tunstall, Staffordshire, provision dealer, Nov. 15 at 11, Birmingham, aud. ac.—*Wm. James*, Dudley, Worcestershire, bolt manufacturer, Nov. 15 at 11, Birmingham, aud. ac.—*Jas. Winter*, Roselyn-terrace, Hampstead-road, Middlesex, surgeon, Nov. 15 at half-past 11, London, div.—*Frederick Caplin*, Drury-lane, Middlesex, hosier, Nov. 15 at 11, London, div.—*Joseph Trevelthan*, Lombard-street, City, cooper, Nov. 14 at 12, London, div.—*Robert Freeland*, Manchester, and *J. Freeland*, Kirkintilloch, Dumbartonshire, Scotland, merchants, Nov. 19 at 12, Manchester, div. sep. est. of *Robert Freeland*.—*John Heath Barber* and *William Henry Ellis*, Liverpool, iron merchants, Nov. 12 at 11, Liverpool, div. sep. est. of *John Heath Barber*.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Frederick Clarke*, Devons-road, Bromley, Middlesex, licensed victualler, Nov. 13 at half-past 2, London.—*John Patterson*, Coombe Bissett, Wiltshire, licensed victualler, Nov. 13 at 12, London.—*Francis North Clerk Jardine*, Tottenham-court-road, and Winchester-place, Pembroke-villas, Bayswater, Middlesex, licensed victualler, Nov. 13 at 2, London.—*Athelston Iveson*, Three-king-court, Lombard-street, City, timber merchant, Nov. 13 at half-past 12, London.—*Samuel Renaud*, St. James's-street, Hanover-square, Middlesex, innkeeper, Nov. 12 at 1, London.—*John Thomas Meek* and *Henry Martin Radloff*, Chicksand-street, White-chapel, Middlesex, oil refiners, Nov. 12 at 2, London.—*Geo. Goodwin*, Manchester, auctioneer, Nov. 14 at 12, Manchester.—*George Thompson*, Manchester, tailor, Nov. 13 at 12, Manchester.—*J. Wright*, Redditch, Worcestershire, grocer, Nov. 15 at 11, Birmingham.—*John Reader*, Birmingham, galvanized iron roof manufacturer, Nov. 14 at 11, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*James Selman*, Upper Baker-street, Portman-square, Middlesex, tailor.—*James Smith*, Guildford, Surrey, builder.—*Henry Sneyer*, Woodall-place, Brixton-road, Surrey, grocer.—*Edward John Heard* and *James John Walter*, Norway Wharf, Wapping-wall, Middlesex, packing-case manufacturers.—*James Smith*, Hope Wharf, Macclesfield-street, City-road, Middlesex, carman.—*William Thomas Hudson*, Brigstock, Northamptonshire, surgeon.—*James Armitage*, Woolwich, Kent, cheesemonger.—*Frederick Francis Fox*, Fenchurch-street, City, tailor.—*Wm. Ballard*, Farringdon, Berkshire, woolstapler.—*Nathaniel Ballard*, Farringdon, Berkshire, woolstapler.—*Chas. Lovell*, Great Marlborough-street, Regent-street, Middlesex, glass merchant.—*Robert Spear Begbie*, Great Winchester-street, City, merchant.

#### PARTNERSHIP DISSOLVED.

*N. C. Wright* and *Alfred Fereday*, Bloomsbury-square, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Cooper & Co.*, Glasgow, milliners.—*John M'Pherson*, Oban, grocer.—*Miss Isabella Miller*, Edinburgh, deceased.—*Alexander Thomson*, Kirkintilloch, provision merchant.—*John Robertson*, Middleton of Rotterns, farmer.—*James Grant*, Grantown, Inverness-shire, tenant and carter.

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**INCORPORATED LAW SOCIETY, U. K.—**  
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**THE ADMINISTRATIVE JURISDICTION OF THE COURT OF CHANCERY.**

In the treatment of this subject it is proposed to consider—

I. The Nature and Origin of this Branch of the Jurisdiction.

The Exercise of the Jurisdiction in modern Practice—

I. In the Administration generally of the Estates of Deceased Persons.

II. In the Administration generally of other Trusts.

III. In the Administration of Trust Estates under the Special Statutory Jurisdictions created or extended by recent Acts of Parliament.

Taking these heads in their order.

2 to 5. The Administration of the Estates of Deceased Persons, testate and intestate, will be considered in detail, in principle and practice.

The Administration of other Trust Estates will be considered in like manner; and herein will then occur for consideration—

6. . . . I. The Administration by the Court of Public or Charitable Trusts.

7 and 8. II. In the case of Private Trusts the Administration by the Court of the Estates of Infants or Wards of Court; and herein—

a. Of the Appointment of Guardians.

b. The Allowance of Maintenance.

c. The Approval of Marriages, and the Execution of the Settlements thereon, under the general Jurisdiction of the Court.

9. . . . III. The Administering of Trust Estates by the Court in other cases.

10 to 12. The Statutory Jurisdiction of the Court above referred to will be considered under the following heads:—

I. The Administration and Distribution under the Jurisdiction created or extended by the Lands Clauses Consolidation Act, of Compensation Monies paid into Court by Railway Companies, and other Companies of a public nature within the scope of that Act.

II. The Administration and Distribution of Monies paid into Court under the Trustees Relief Acts of 1847 and 1849.

III. The Administration of Money paid into Court under the 36 Geo. 3, c. 52, s. 32, in the case of Infants and Persons beyond Seas.

IV. The Exercise, as part of the Administrative Jurisdiction of the Court, of the Powers vested in the Court by—

a. The Trustees Acts of 1850 and 1852.

b. The Infants Settlement Act, 1855.

c. The Leases and Sales of Settled Estates Acts, 1856 and 1858.

d. The Law of Property Amendment Acts, 1859, 1860.

In the above prospectus the Arabic numerals indicate the probable numbers of the Lectures in which the various branches of the subject will be found to be treated of; the Roman numerals and letters indicate only logical subdivisions.

**NOTE.**—The Special Jurisdictions in Bankruptcy and Insolvency, though in their nature administrative, are taken out of the subject now under consideration by the Legislation, which recast, and in a sense re-founded, both these Jurisdictions.

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2. Conditions of Sale by Public Auction.—Private Contracts for Sale.

3 & 4. Conveyances of Freeholds, and Assurances of Copyholds, on Sales.

5. Assignments of Leaseholds, and of Equitable Interests in Personal Estate, on Sales.

6. Mortgages.

7. Settlements of Real Estate.

8. Settlements of Personal Estate.

9. Wills.

10 & 11. Miscellaneous Instruments.

12. Inquiries, Searches, and Notices to be made and given in Conveyancing Transactions.

The above order will be adhered to as closely as the limited time allotted to each Lecture will permit. The works most frequently referred to will be Davidson's *Precedents in Conveyancing* and *Lewin on Trusts* (4th edition).

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**EXECUTION**—By Landlord against Tenant for non-payment of Rent (see 15 & 16 Vict. c. 76).

**INTERPLEADER ISSUES**—(See 1 & 2 Will. 4, c. 58, and 23 & 24 Vict. c. 126).

The following Books may be referred to as treatises on the foregoing subjects:—Blackburn on the Contract of Sale; Byles on Bills (7th edition); Smith's Mercantile Law (5th edition), chap. "Guarantee"; Russell on Arbitration (2nd edition); Woodfall on Landlord and Tenant (7th edition); Starkie on Libel (2nd edition); and Gale on Easements (2nd edition).

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NOVEMBER 2, 1861.

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## GAZETTES.—FRIDAY, Oct. 25.

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**THOMAS GREVILLE POTTER**, Oxford-street, and Granby-street, Hampstead-road, Middlesex, dealer in lamps, Nov. 6 at 3, London: Off. Ass. Bell; Sol. Dubois, 39, Moorgate-street.—Pet. f. Oct. 23.

**CHARLES THOMAS FOSTER**, Fashion-street, Spitalfields, Middlesex, licensed victualler (now a prisoner in Whitecross-street Prison), Nov. 7 at 1, London: Off. Ass. Bell.—Pet. f. Oct. 24.

**WILLIAM BURREWS the younger**, Upper Norwood, Surrey, furniture dealer, Nov. 7 at 3, London: Off. Ass. Bell; Sol. Marshall, Hatton-garden.—Pet. f. Oct. 24.

**HENRY SALMON**, Haymarket, Middlesex, tobaccoist (now a prisoner in Whitecross-street Prison), Nov. 5 at 3, London: Off. Ass. Bell; Sol. Sydney, Circus-place, Finsbury.—Pet. f. Oct. 22.

**JOSEPH LEE**, Billiter-square, City, news agent (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 4 at 10, London: Off. Ass. Johnson.—Pet. f. Oct. 18.

**ANTONINE DUFAUR**, Bedford-row, Holborn, Middlesex, attorney (now a prisoner in the Queen's Prison, Southwark), Nov. 7 at 2, London: Off. Ass. Johnson.—Pet. f. Oct. 23.

**ROBERT BIRD**, Ashford, Kent, plumber, Nov. 6 at 12, London: Off. Ass. Johnson; Sols. Nichols & Clark, Cook's-court, Lincoln's-inn.—Pet. f. Oct. 23.

**GEORGE M'CAUGHIE**, Trafalgar-terrace, Mortimer-road, Kingsland, Middlesex, commercial traveller, Nov. 5 at 1, London: Off. Ass. Johnson; Sol. Stocken, 61, Cernhill.—Pet. f. Oct. 22.

**JOHN RICHARD RICHARDS**, West-street, Bermondsey, Surrey, grocer, Nov. 8 at 1, London: Off. Ass. Johnson; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Oct. 25.

**ROGER HOGAN**, Upper Marylebone-street, Marylebone, Middlesex, tailor (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 7 at 1, London: Off. Ass. Cannan; Sol. Tripp, 2, Danes-inn, Strand.—Pet. f. Oct. 24.

**JOHN JENKINSON**, Wellington-row, Bethnal-green, Middlesex, shoemaker (now a prisoner in Whitecross-street Prison), Nov. 6 at 2, London: Off. Ass. Cannan.—Pet. f. Oct. 23.

**ALGERNON JOHN HEARNE**, Nicholl-square, Falcon-square, City, printer (now a prisoner in the Queen's Prison), Nov. 6 at 1, London: Off. Ass. Cannan.—Pet. f. Oct. 23.

**ROBERT CLAYTON DAUBENY**, Upper Fitzroy-street, Fitzroy-square, Middlesex, trader (now a prisoner in the Queen's Prison), Nov. 6 at 12, London: Off. Ass. Cannan; Sol. Hutchinson, 6, Vernon-street, Pentonville.—Pet. f. Oct. 23.

**JAMES KNOTT**, Emerson-street, Bankside, Surrey, glass manufacturer, Nov. 5 at 3, London: Off. Ass. Cannan; Sol. Waller, 2, Duke-street, Adelphi.—Pet. f. Oct. 22.

**REGINALD CHAUNCEY**, Sussex-street, Pimlico, Middlesex, a retired officer of the Hon. East India Company's service (now a prisoner in Whitecross-street Prison), Nov. 4 at 1, London: Off. Ass. Cannan.—Pet. f. Oct. 21.

**MARTHA AUGUSTA ARTHUR RICHARDS**, spinster, Chester-street, Belgrave-square, Middlesex (now in the Queen's Prison, Southwark), Nov. 4 at 12, London: Off. Ass. Cannan; Sol. Braddon, 5, Danes-inn, Strand.—Pet. f. Oct. 21.

**GEORGE HUTSON**, King-street, Regent-street, Middlesex, licensed victualler, Nov. 7 at 12, London: Off. Ass. Cannan; Sol. Brook, 1, New-inn, Strand.—Pet. f. Oct. 24.

**OWEN PARRY**, Walbrook, City, mining agent (now a prisoner in Whitecross-street Prison), Nov. 6 at 10, London: Off. Ass. Cannan.—Pet. f. Oct. 22.

**JOHN LAWTON**, Mount-street, Middlesex, foreign agent (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 4 at 11, London: Off. Ass. Cannan; Sol. Jones, 15, South-square, Gray's-inn.—Pet. f. Oct. 17.

**JOSEPH BICKNELL**, Moorgate-street and Fenchurch-st., City, merchant (now a prisoner in the Queen's Prison, Southwark), Nov. 6 at 10, London: Off. Ass. Cannan.—Pet. f. Oct. 22.

**GEORGE GODFREY**, Brompton-terrace, Brompton, Middlesex, grocer, Nov. 7 at 11, London: Off. Ass. Pennell; Sol. Venable, 18, Greatham-street, City.—Pet. f. Oct. 22.

**WILLIAM NEWMAN**, Dyer's-buildings, Holborn, attorney-at-law (now a prisoner in the Queen's Prison, Southwark), Nov. 7 at 3, London: Off. Ass. Pennell.—Pet. f. Oct. 23.

**HENRY JAMES BRAHAM**, Thavies-inn, Holborn, Middlesex, and Chatham, Kent, commission agent (now a prisoner in Whitecross-street Prison), Nov. 7 at 12, London: Off. Ass. Pennell.—Pet. f. Oct. 22.

**WILLIAM GEORGE SNOW**, Hounslow, Middlesex, out of business, previously of Smallbury-green, Middlesex, carrier's clerk, and Strand, Middlesex, dining-room keeper, Nov. 6 at 2, London: Off. Ass. Pennell; Sol. Rushbury, 32, Coleman-street, London.—Pet. f. Oct. 21.

**JAMES REGENT ROSS**, Dulwich, Surrey, commission agent (now a prisoner in Horsemonger-lane Gaol), Nov. 7 at 2, London: Off. Ass. Pennell; Sol. Appleyard, 10, Symond's-inn, London.—Pet. f. Oct. 23.

**ROBERT PLASTER**, Bampton, Oxfordshire, builder, Nov. 7 at 11, London: Off. Ass. Pennell; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Oct. 21.

**JOHN EDWARDS**, Upper North-place, Gray's-inn-road, Middlesex, tailor, Nov. 5 at 10, London: Off. Ass. Pennell; Sol. Eas, 9, Mincing-lane, London.—Pet. f. Oct. 22.

**WILLIAM PRITCHARD**, Acton, Middlesex, carpenter, Nov. 7 at 12, London: Off. Ass. Pennell; Sol. Holt, Quality-court, Chancery-lane, London.—Pet. f. Oct. 24.

**JOSEPH SAWYER**, High Holborn, Middlesex, licensed victualler (now a prisoner in Whitecross-street Prison), Nov. 5 at 3, London: Off. Ass. Pennell.—Pet. f. Oct. 22.

**THOMAS FRANKS**, Kentish-town, Middlesex, baker (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 5 at 1, London: Off. Ass. Graham.—Pet. f. Oct. 18.

**BERNHARD HORWITZ**, Newgate-street, City, importer of foreign goods, Nov. 6 at 1, London: Off. Ass. Graham; Sol. Salaman, 29, St. Swithin's-lane, London.—Pet. f. Oct. 23.

**GEORGE BOLT**, Cirencester-street, Paddington, Middlesex, tailor, Nov. 5 at 2, London: Off. Ass. Graham; Sol. Hall, 49A, Lincoln's-inn-fields, London.—Pet. f. Oct. 18.

**JOHN CLARK**, Princes-street, Stamford-street, Lambeth, Surrey, carman, Nov. 11 at 11, London: Off. Ass. Graham; Sol. Norton, 10, Clifford's-inn, London.—Pet. f. Oct. 14.

**WILLIAM JONES**, Gloucester-street, Commercial-road East, Middlesex, carpenter, and Prospect-place, Mile-end-road, fancy stationer, Nov. 5 at 2, London: Off. Ass. Graham; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Oct. 22.

**WILLIAM CARDEN JONES**, Queen's Prison, Surrey, Nov. 7 at 3, London: Off. Ass. Graham.—Pet. f. Oct. 21.

**JAMES GILLER**, Little Marylebone-street, Marylebone, Middlesex, painter, Nov. 6 at 1, London: Off. Ass. Stanfeld; Sol. Wyatt, 11, King's-road, Bedford-row, London.—Pet. f. Oct. 21.

**SAMUEL ROWBOTHAM**, Queen's-road, Chelsea, Middlesex, soap boiler (now a prisoner in Whitecross-street Prison), Nov. 4 at 3, London: Off. Ass. Stanfeld.—Pet. f. Oct. 21.

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**ARTHUR SANSFIELD GREGG**, Wooburn-park, Buckinghamshire, schoolmaster, Nov. 6 at 11, London: Off. Ass. Edwards; Sol. Smith, jun., 6, Bernard's-inn, London.—Pet. f. Oct. 23.

**JOHN GILES**, Ringlegstone, near Hollingbourne, Kent, licensed victualler, Nov. 6 at 2, London: Off. Ass. Edwards; Sols. Langford & Marsden, 59, Friday-street, Chesham, London.—Pet. f. Oct. 23.

**THOMAS BENNETT**, Albert-street, Surrey-gardens, Surrey, and Poultry, City, sewing machinist (now a prisoner in Whitecross-street Prison), Nov. 6 at 10, London: Off. Ass. Edwards.—Pet. f. Oct. 22.

**JOHN JERRAM**, Nottingham, hostler's assistant, Nov. 5 at 11, Nottingham: Off. Ass. Harris; Sol. Ashwell, Nottingham.—Pet. f. Oct. 22.

**JOHN SCHOFIELD**, Nottingham, boot maker, Nov. 5 at 11, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Pet. f. Oct. 22.

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## THE JURIST.

LONDON, NOVEMBER 2, 1861.

THE daily papers of last week contain the following report of a case tried at the Central Criminal Court, before Mr. Commissioner Kerr, on Tuesday, the 22nd October:—

"Henry Hayes, a respectable looking young man, was indicted for maliciously shooting at and wounding John Monkett.

"Mr. Sleigh prosecuted on behalf of the London, Brighton, and South-coast Railway Company.

"The learned counsel, in his opening address, briefly stated that upon the afternoon of the 23rd of last month the prosecutor, who is an engine-driver in the employ of the railway, was coming up with a train to the London-bridge station, and when passing through the fields near Rotherhithe, the accused, who was there shooting birds, fired in the direction of the train, and the shots struck the engine, which was behind, some of them wounding the prosecutor in the face, fortunately only slightly. Some one who was in the field at the time spoke to the accused, telling him what he had done, at which he seemed much surprised and sorry.

"Mr. Sleigh then called the prosecutor in the matter, the engine-driver, and also a witness named Payne, who had witnessed the transaction; and while the witness Payne was under examination,

"Mr. Commissioner Kerr expressed an opinion that this case ought not to be further proceeded with, as it was manifest that the injury was the result of accident.

"Mr. Sleigh, on the part of the prosecution, stated that his clients, the London and Brighton Railway Company, thought it necessary to prosecute, and on their behalf he was consequently desirous of having the opinion of the jury upon it.

"Mr. Commissioner Kerr.—A British jury can do anything.

"Mr. Sleigh insisted that the case should be proceeded with.

"The witness Payne, who was under examination when this interlocutory discussion took place, then further deposed, that after seeing what had taken

place, and that shots had struck the train, he followed the accused, and said to him, 'You have shot either the driver or the guard.' The accused replied, 'Oh! you do not say so,' and was visibly affected.

"Inspector Carpenter, of the police of the company, proved that when the train in question arrived in town the prosecutor told him what had occurred. At that time the prosecutor bore evident marks of a slight wound on the chin. The witness added that the point from which the shot had been fired was a distance of twenty-five yards from the point where it took effect.

"Mr. Commissioner Kerr again expressed an opinion that the case ought not to go to the jury. It was evident there was no intent on the part of the accused.

"Mr. Sleigh.—If he had killed a man under such circumstances, would not that be manslaughter?

"Mr. Commissioner Kerr.—No; it would be accident.

"After some further discussion between the learned counsel and the court,

"Mr. Commissioner Kerr told the jury that they had already heard his opinion on the matter, and he should give them no directions, but they might deal with the case as they liked.

"Mr. Sleigh suggested to the court that it was a point for the jury, that in fact, at the time of the occurrence, the prisoner was trespassing on the company's line.

"Mr. Commissioner Kerr.—Then bring your action for trespass.

"The jury then turned round in their box, and, after a consultation of about a quarter of an hour, returned a verdict of 'guilty' on the second count of the indictment, which charged the prisoner with a common assault.

"Mr. Sleigh said he was instructed by the company not to press for heavy punishment, their only object being to protect the public.

"Mr. Commissioner Kerr remarked that he should like to know, after the great flourish he had heard as to the motives of the company, whether they meant to bear the expenses of this prosecution.

"Mr. Sleigh replied that he had no answer to make on that point.



"Mr. Commissioner Kerr (addressing the prisoner) said the justice of the case would be met by fining him 20s., and in the propriety of that judgment he was fortified by the opinion of the worthy alderman (Phillips) who sat by his side."

If the above report of the case of *Reg. v. Hayes* is correct, the conduct of the learned judge who presided at the trial is open to grave animadversion. The accused is shewn to have fired a gun under circumstances when beyond all question he ought not to have fired it, namely, in the direction of a railway train, from which he was distant only about seventy-five feet, the effect of that firing being to wound the engine-driver in the face; and the sole question was, whether that injury was the result of accident or misconduct on the part of the accused. Before the examination of the first witness is concluded, the judge interposes with an opinion that the case ought not to be proceeded with, the injury being, as he said, the result of accident; to which the counsel for the prosecution intimates that the prosecutors were desirous of taking the opinion of the jury on that point; on which, according to the report, the judge interposes with the observation, "A British jury can do anything." If by this was meant that by the English law there is no limit to the power of a jury, never was a more gross misstatement of the law. A jury have only such power as the law allows them, and there are many things which they cannot legally do; as, for instance, convict a man without evidence, decide questions of law where there is no dispute about facts, &c. But it is far more probable that the above observation of the judge was meant as a sneer against the trial by jury, the more especially as, judging from his works, that mode of trial finds small favour from Mr. Kerr. In the third volume of his edition of Blackstone's Commentaries, p. 412, after citing the remark of Mr. Justice Blackstone—"Every new tribunal, erected for the decision of facts, without the intervention of a jury (whether composed of justices of the peace, commissioners of the revenue, judges of a court of conscience, or any other standing magistrates), is a step towards establishing aristocracy, the most oppressive of absolute governments"—Mr. Kerr designates it "an opinion which the learned author might not have held in the present day; for in the county courts a single judge determines all matters of fact, unless a jury is demanded by one of the parties, which is only done in about five cases in a thousand. (See the returns laid before Parliament, sess. 1855-6)." In answer to this, it may be remarked, that the immense majority of the cases tried in county courts are of so trivial a nature that it is far better they should be disposed of in a summary way, even at the risk of occasional misdecision. A court consisting of a single police magistrate is a very proper tribunal to try an ordinary case of assault, but a most improper one to determine a case of high treason. And although occasionally cases of some importance arise in county courts, it is to be observed that the County Court Act, 9 & 10 Vict. c. 95, s. 70, is worded very insidiously, and apparently with the intention of bringing the jury system into disrepute. Having constituted the judge of the county court the tribunal for deciding matters of fact in general, it enacts, "it shall be lawful for the plaintiff or defendant to require a jury to be summoned;" thus putting the party who desires a jury in the odious position of telling the judge that he has no confidence in him—the judge who must preside, and direct the jury when summoned; and it is not surprising that few litigants like to put themselves in that position. Mark the different language of the Common-law Procedure Act, 1854, sect. 1, which, it may be as well to observe, was passed three years

before the publication of Mr. Kerr's book. This act retains the trial by judge and jury as the ordinary mode of trial, but enacts, "the parties to any cause may, by consent in writing, &c., leave the decision of any issue of fact to the court, &c., provided that the court or a judge shall, in their discretion, think fit to allow such trial;" and it is found in practice that the number of litigants who avail themselves of this boon is very small indeed.

If we are right in our conjecture as to his meaning, Mr. Commissioner Kerr should understand, that although as a man he is entitled to hold what opinions he pleases, as a judge he is bound to respect the law, which he has taken an oath to administer. Mr. Kerr has a right in his heart to dislike and despise the trial by jury, and to believe that justice would be better administered if the decision of all questions, both of law and fact, were determined by a single judge—a matter on which (at least, so far as regards criminal cases) most Englishmen, and, we believe, most Scotchmen too, are against him, and the case of *Reg. v. Hayes* is not likely to remove, however it may add to, their prejudices on that subject—but while sitting in judgment it is his duty to uphold and enforce the law, not to sneer at it. Notwithstanding that sneer, however, the counsel for the prosecution insists on the case proceeding; another witness is examined, when the judge again interposes with an opinion that the case ought not to go to the jury, it being evident, as he said, that there was no intent on the part of the accused—just as if intent was an indispensable element in the crime of manslaughter; and he finally charges the jury by telling them that they had heard his opinion on the matter, and he should give them no direction, but (repeating apparently the notion he had previously expressed) "they might deal with it as they pleased." Mr. Kerr has evidently a great deal of his duty to learn. He should first have heard the whole of the case for the prosecution, and at the end of it decided, as matter of law, whether, taking all the evidence to be true, there was any case for the jury; and if he held that there was not, he should have told them, ex cathedra, that they were bound by law to acquit the accused. But if, on the contrary, he held that there was a case to go to the jury—viz. was the act charged in the indictment done by the accused, and if so, was it done maliciously or carelessly, or was it caused by accident—he ought to have put those questions to them, with such comments and observations as he might deem proper to lead them to a just conclusion—not tell them in direct terms that it was "his opinion" that the whole affair was an accident, thus illegally invading the province of the jury.

The jury asserted their independence by considering the case, and forming upon it a judgment of their own; and the proceedings will, we trust, prove a warning to persons of Mr. Hayes's school, and teach them that, while pursuing their own amusements, the law (to say nothing of morality or humanity) requires that they pay a due regard to the safety and lives of others.

One word upon the question raised by the counsel for the prosecution, whether, if in this case the injured party had died, the accused would have been guilty of manslaughter, together with the answer of the judge, that it would have been death by accident. Assuming that the shooting by the defendant was in so a lawful act under the circumstances (which seems doubtful, if at the time he was a trespasser on the property of a railway company), the law on the subject is thus laid down in the last edition of Roscoe's Criminal Evidence, pp. 681, 682:—

"Where death is occasioned by the hand of a party engaged in the performance of a lawful act, it may

amount either to murder, manslaughter, or mere misadventure, according to the circumstances by which it is accompanied. The most usual illustration of this doctrine is the instance of workmen throwing stones and rubbish from a house in the ordinary course of their business, by which a person underneath happens to be killed. If they deliberately saw the danger, or betrayed any consciousness of it, whence a general malignity of heart might be inferred, and yet gave no warning, it will be murder, on account of the gross impropriety of the act. *If they did not look out, or not till it was too late, and there was even a small probability of persons passing by, it will be manslaughter.* But if it had been in a retired place, where there was no probability of persons passing by, and none had been seen about the spot before, it seems to be no more than accidental death. For though the act itself might breed danger, yet the degree of caution requisite being only in proportion to the apparent necessity of it, and there being no apparent call for it in the instance put, the rule applies, 'De non existentibus et non apparentibus eadem est ratio.' So, if any person had been before seen on the spot, but due warning were given, it will be only misadventure. On the other hand, in London and other populous towns, at a time of day when the streets are usually thronged, it would be manslaughter, notwithstanding the ordinary caution used on other occasions of giving warning; for in the hurry and noise of a crowded street few persons hear the warning, or sufficiently attend to it, however loud."

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—A portion of the judgment in the case of *Harding v. Harding* (7 Jur., N. S., part 1, p. 906; 2 Giff. 597) is so obscurely derived that I should be glad if you could furnish me with some assistance towards accepting or rejecting it. The suit was an administration suit, and it was found that the widow of the testator in the cause was dowerable out of certain parts of his real estate. On the death of the widow it was ordered "that 845*l.* 1*s.* 6*d.* should be raised . . . as the amount due to her for her dower<sup>a</sup> down to the day of her death." We then find it stated in a letter set out in the report, that the widow, previously to her death, had sold her dower, and it would seem that the Inland Revenue Office claimed from the purchaser payment of succession duty thereon. Mr. Trevor, of that office, writes, "The sale of the widow's dower since May, 1853†, falls under the last provision of the 15th section of the Succession Duty Act; and subsequently there is a succession of real property of the annual value of such dower, for which the usual account‡ should be delivered." No argument on the question of payment of this duty is reported, and the Vice-Chancellor's judgment is simply, "The succession duty is clearly payable on the dower."

The marriage of the testator probably occurred in 1833. My difficulty is to discover who was reckoned the "predecessor" in this case. I apprehend that if a widow, who had been married after the 1st January, 1834, acquired dower, her husband would in all cases be the predecessor; and I should think he would be the predecessor also in the case of marriage of earlier date, if he were seized at the time of marriage, or acquired by purchase for valuable consideration during marriage the lands out of which the widow was dowerable; but if the lands came to him by gift or descent during

marriage, the donor or ancestor might be held to be the widow's predecessor. Now, if the husband be the predecessor, no duty is payable (sect. 18 of the act); and in the absence of any fact in the reports bearing on the question, I must conclude that some other person must, in the way pointed out above, have been held to be the predecessor.

If I am right in my view of the case, perhaps the learned reporter could supply additional facts to make the ground of the judgment intelligible.

I remain, sir,

Your obedient servant,

2, New-square, Oct. 28, 1861.

L. H. O.

[We think that our correspondent has misapprehended the point in the case, which is not surprising, as the facts are scarcely stated with sufficient fulness in either of the reports, and the plaintiff's solicitor himself seems to have mistaken the grounds of Mr. Trevor's claim. Whether the decision was right or not was probably, at the time it was pronounced, a matter of chance, because no one seems to have made any inquiry as to the origin of the husband's title to the land, upon which, as our correspondent points out, the liability to succession duty would depend. The material facts to be collected from the reports are these:—John Harding was married to Jane Harding in December, 1833. Upon his death in 1851, his widow, Jane Harding, became entitled to her dower, and as the Succession Duty Act did not come into operation until the 19th May, 1853, no duty could be payable upon the succession which happened in 1851. The estates out of which the widow was dowerable had been devised by John Harding to trustees for sale, who sold the estates in the widow's lifetime, with her concurrence, a value being put upon her dower, for which she had credit in the trustees' account with her. On the death of the widow in 1860 the value of the estates in the hands of the purchasers from the trustees became augmented by the value of the widow's dower, which then ceased. This was a succession happening by the widow's death, and the question was, whether duty was payable in respect of it? If the duty was payable, it would, under the circumstances, come out of the money paid for the purchase of the estates. The answer to the claim was remarkable—"The widow had sold her dower, and the purchase money had been brought into the account of her estate, and legacy duty had been paid on it!" Mr. Trevor seems to have understood this as a suggestion that the duty was not payable because the dower had been in fact extinguished in the widow's lifetime, and he conclusively replied, that as the extinction happened after the Succession Duty Act began to operate, it could not affect the question.

Undoubtedly there was a succession on the widow's death: the beneficial interest which constituted the succession—the value of the widow's dower—ceasing by her death, for the benefit of the successor. The successor, as the case stood, was the trustees representing the testator, and the testator must be considered as having been the original successor, although his succession was of such a nature that he could never personally enjoy it. The only question, therefore, that remains is, who was the predecessor? Now, if the estate devolved upon the husband by descent, dower, or settlement, it is plain that the ancestor, testator, and settlor was the predecessor, for he gave, in effect, an estate in dower to the widow, and an estate in fee, subject to the dower, to the husband. But if the husband purchased the estate he was the predecessor, and, being also the successor, the estate in his hands, or in the hands of his

\* "Dower" in Giffard. † "1853" in Giffard.

‡ "Amount" in Giffard.

trustees, or of a purchaser from them, was not liable to duty. (16 & 17 Vict. c. 51, s. 12). The 18th section, to which our correspondent refers, has no bearing on the point. Under that section the widow's dower would have been exempted from succession duty if the estate had been purchased by the husband, and he had died after the 18th May, 1853. As, where the husband was married after the 1st January, 1834, his widow's dower is entirely in his power, it may be plausibly argued, as our correspondent suggests, that the husband should be considered as the predecessor, even though he derived the estate by gift or descent from another. But this is by no means clear. In *Harding v. Harding* there was no room for that argument; but no one seems to have thought it material to inquire from whom and for what consideration the husband derived the estates, although upon the result of that inquiry the liability to duty, and the rate of duty, if any was payable, would depend.]

### NEW OFFICES UNDER THE BANKRUPTCY ACT, 1861.

THE Lord Chancellor has caused the following answer to be returned to a memorial presented to him by the Liverpool Law Society on the subject of the qualifications of persons to be appointed to the new offices created under the new Bankruptcy Act:—

"House of Lords, Oct. 7, 1861.

"Sir,—I am desired by the Lord Chancellor to acknowledge the receipt of the memorial from the Liverpool Law Society on the subject of new offices to be created under the Bankruptcy Act of 1861, and in reply to inform you that it is not the intention of his Lordship to make any new appointments under the said act until it shall become manifest that the present staff of the officers of the Bankruptcy Court is insufficient to perform adequately the duties imposed on them by the new act.

"I have the honour to be, Sir,

"Your obedient servant,

"RICHARD BETHELL, Prin. Sec.

"To the President of the Liverpool Law Society."

### JUDICIAL STATISTICS.

#### INSOLVENCY IN 1860.

WE take the following from *The Law Times*:—

The statistics of insolvency invite attention. These comprise the proceedings of the Insolvent Debtors Court in London and of the county courts. The jurisdiction of the London court comprises all imprisoned debtors who file petitions for relief under stat. 1 & 2 Vict. c. 110—those detained in any gaol in Middlesex and Surrey, the city of London, and the borough of Southwark; while the cases of insolvents in any prison beyond those limits are referred to the county courts, whose judges have the same powers as the Insolvent Court in London.

In 1860 the cases of petitions by imprisoned debtors were 2820, of which 19 were filed by creditors. Of these, 820 were within the exclusive jurisdiction of the London court; 2000 were cases of insolvents imprisoned beyond those limits.

Of these insolvents, 134 were professional men; 23 officers of the army or navy; 91 clerks; 1634 traders; 15 lodging-house keepers; 52 shopmen; 222 agents; 69 manufacturers; 197 mechanics; 97 graziers, farmers, millers, &c.; and 286 belonging to other classes. In 1859 the number was 2765, shewing an increase of only 55 during last year.

The number of schedules filed was 2747, shewing the following amount of debts:—

Under 100 <i>l</i> .	251
100 <i>l</i> . and under 300 <i>l</i> .	759
300 <i>l</i> . " 500 <i>l</i> .	522
500 <i>l</i> . " 1000 <i>l</i> .	633
1000 <i>l</i> . " 3000 <i>l</i> .	444
3000 <i>l</i> . " 5000 <i>l</i> .	76
5000 <i>l</i> . and above	62

In more than half the cases the debts were less than 500*l*. One-fourth of the whole had been previously either insolvent or bankrupt; in fact, were persons who fail systematically, and live by running into debt, designing not to pay, and when credit is exhausted passing through the court. This is a class created by the folly of modern legislation, influenced by a false philanthropy. No less than 119 had been insolvent twice before; 24 three times, and 14 more than three times! Surely there ought to be some punishment for such roguery.

The results are thus tabulated:—

	Total.	Insol.	Ct.	Cy.	C.
Prisoners who appeared at the hearing	2716	833	1883		
Petitions dismissed	75	9	66		
Adjudication for discharge—					
Forthwith	2170	624	1546		
At 2 years and above 1 year from vesting order	25	6	19		
1 year and above 1 month.	74	34	40		
6 months " 3 months	188	74	114		
3 months " 2 months	62	19	43		
2 months " 1 month.	49	13	36		
1 month and under	68	53	15		

The number of estates realised was 248; the amount of dividend declared thereon 36,038*l*. 3*s*. 6*d*. Of these, 129 estates and 20,247*l*. dividend were within the jurisdiction of the London court; and 119 estates, with 15,790*l*. dividend, in the country.

The expenses were 3203*l*. in the London court, and 2910*l*. in the county courts, and the amount for dividend was 29,923*l*.

The scheduled debts were 535,612*l*., and of these 316,371*l*. were entitled to dividend. Each estate realised averaged 145*l*., and the expenses 24*l*., leaving 121*l*. as the amount to be divided.

This averaged 5*l*. 11*s*. per cent. on the scheduled debts, and 9*l*. 8*s*. on the debts entitled to dividend, and were at the following rates in the pound:—

Under 1 <i>s</i> .	86	5 <i>s</i> . and under 10 <i>s</i> .	17
1 <i>s</i> . and under 2 <i>s</i> . 6 <i>d</i> .	89	10 <i>s</i> . " 15 <i>s</i> .	3
2 <i>s</i> . 6 <i>d</i> . " 5 <i>s</i> .	45	15 <i>s</i> . " 20 <i>s</i> .	4
		20 <i>s</i> .	4

Compared with 1859, these results shew an increase of 52, or 21 per cent., on the number of estates realised, and of 4477*l*., or 12*l*. per cent., in the amount of dividend declared. The amount of scheduled debts exceeded those of the preceding year by 222*l*. 17*s*. 9*d*., or 41*l*. per cent.; but the amount for dividend was also in excess by 34*l*. per cent. The average realised by each estate was less by 16*l*., or 9*l*. per cent.; and the average amount of dividend was less by 2*l*. 17*s*. per cent.

We come now to the other branch of insolvency, the proceedings under the Protection Acts, which empower any trader and other debtors whose debts are less than 300*l*., on filing a petition and schedule of his debts, to obtain an order protecting him from arrest. The Insolvent Court has jurisdiction in all cases where the debtor resides within twenty miles of the General Post-office, and the county courts in all other cases.

The number of petitions filed under the Protection

Acts in 1860 was 3081, of which 1055, or 34 per cent., were in London, and 2026, or 65 per cent., in the county courts.

Of these petitions 70 were by professional men; 10 by officers in the army and navy; 94 by clerks; 2226 by traders; 14 by lodging-house keepers; 33 by shopmen; 59 by agents; 46 by manufacturers; 114 by mechanics; 74 by agriculturists; and 341 by other classes.

Compared with 1859 there was an increase of 261, or 8 per cent.

The scheduled debts are thus classified:—

Under 100 <i>l.</i>	542
100 <i>l.</i> and under 300 <i>l.</i>	2304
300 <i>l.</i> " 500 <i>l.</i>	94
500 <i>l.</i> " 1000 <i>l.</i>	99
1000 <i>l.</i> " 3000 <i>l.</i>	40
3000 <i>l.</i> " 5000 <i>l.</i>	8
5000 <i>l.</i> and above	3

Thus, in 95 per cent. of these cases the debts were under 500*l.*, "showing," says the registrar, "a much lower average than in cases of the petitioners under the Insolvency Acts." The number who had been before bankrupt or insolvent was 9 per cent.: 244 had been so once; 39 twice; and 6 three times.

The number of estates realised was 453; their total value 19,914*l.*; the expenses 5848*l.*; the scheduled debts 227,853*l.*, of which 152,078*l.* were for dividend. On this sum the amount for dividend was 8*l.* per cent. The rates in the pound of the dividends paid were—

Under 1 <i>s.</i>	250
1 <i>s.</i> and under 2 <i>s.</i> 6 <i>d.</i>	168
2 <i>s.</i> 6 <i>d.</i> " 5 <i>s.</i>	78
5 <i>s.</i> " 10 <i>s.</i>	32
10 <i>s.</i> " 15 <i>s.</i>	4
15 <i>s.</i> " 20 <i>s.</i>	5
20 <i>s.</i> . . . . .	1

### Court Papers.

#### EQUITY CAUSE LISTS, MICHAELMAS TERM, 1861.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

#### APPEALS.

Brooke v. Todd (Ap) (K., June 13, 1859)	Forster v. Davies (R., July 3)
Brooke v. Brooke (Cause)	Hughes v. Chester and Holyhead Railway Co. (K., July 8)
Brooke v. Brooke (Cause)	Willes v. Greenhill (R., Feb. 22)
Nowell v. Andover Railway Co. (S., June 3, 1861) L. C.	Willes v. Greenhill (R., Feb. 25)
Pawley v. Turnbull (S., June 8) L. C.	Farrall v. Davenport (S., July 11) L. C.
Talbot v. Staniforth (W., June 25) L. C.	Gresley v. Mousley (S., July 15) L. C.
Heath v. Greenhill (S., June 29) L. C.	Hunter v. Stewart (W., July 16) L. C.
Knowles v. Greenhill (S., June 29) L. C.	Modden v. Snowball (R., July 17)
Poole v. Middleton (R., July 2)	Jones v. Elborough (R., July 17)
Hargreaves v. Wildman (W., July 3) L. C.	Hughes v. Jones (R., July 19)

Garrick v. Taylor (R., July 20)  
Wilkins v. Hogg (S., July 25) L. C.  
Miller v. Finlay (S., Aug. 10) L. C.

Thomas v. Hobler (W., Aug. 22) L. C.  
Brown v. Banks (S., Aug. 23) L. C.

Before the Right Hon. the MASTER OF THE ROLLS.

#### CAUSES, &c.

Roden v. Fothergill (D)	Peto v. Hammond (M D, as against the defendants, added by amended bill)
Waine v. Crocker (D)	Rowlands v. Evans (Cause)
Davis v. Bennet (M D)	Tyson v. Jackson (M D)
Highton v. Cooper (M D)	Anderson v. Riddall (F C)
Saxon v. Blake (F C, Summons to vary certificate)	Amery v. Creed (F C)
Davies de Pontes v. Kendall (F C, Summons to vary certificate) Nov. 4	Lainson v. Lainson (F C)
Ford v. Davies de Pontes (F C, Summons to vary certificate) Nov. 4	Partington v. Gray (Cause)
Clark v. Eversfield (M D)	Williams v. Rowlands (Cause)
Alexander v. West End of London and Crystal Palace Railway Co. (M D) not before Nov. 25	In re Fitzgerald's Estate (F C, adjourned from chamb.)
White v. Tilsley (Cause)	Fitzgerald v. Macintosh (Cause)
Rolt v. Att.-Gen. (Cause)	Sevin v. Deslandes (Cause)
Newsome v. Flowers (M D)	Essex v. Clement (F C)
Scarborough v. Shaw (M D)	Dorsett v. Dorsett (M D)
Kernot v. Potter (M D)	Downes v. Bullock (F C)
Dent v. Allcroft (M D)	Staveley v. Latham (M D)
Nevinson v. Lennard (M D)	Grindall v. Grindall (F C)
Kennemore v. Popkin (M D)	Sopwith v. Maughan (F C)
Lord Hastings v. Astley (Sp. C.)	Att.-Gen. v. United Kingdom Electric Telegraph Co. (M D) Nov. 12
Giles v. Preesay (M D)	Beer v. Tapp (F C)
Norris v. Wilkinson (Cause)	Fisher v. Brierley (F C)
Benyon v. Ashton (M D)	Elliott v. Tooth (M D)
Sir Edwin Landseer v. Lewis (M D)	Cooke v. Greves (M D)
Bungard v. Louis (Cause)	Nelson v. Bealby (Cause)
Davies v. Thomas (M D)	Hamilton v. Walpole (M D)
Dury v. Mousley (M D)	Dransfield v. Heginbottom (Cause)
Green v. Snead (M D)	Potter v. Kernot (M D)
Garstin v. Pitchers (M D)	Noble v. Stow (F C)
Fothergill v. Harrison (M D)	Smith v. Creasy (M D)
Cornwall v. Downes (M D)	Thompson v. Thompson (M D)
Peto v. Hammond (Cause restored by order)	Pateshall v. Bishop (F C)
	Gosling v. Gosling (M D)
	Carter v. Arden (M D)
	Spencer v. Robinson (M D)

Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

#### CAUSES, &c.

Harris v. Lightfoot (D)	Pechine v. Denis (Cause)
Harris v. Lightfoot (D)	Greenwood v. Greenwood (Cause)
Harris v. Lightfoot (D)	Franklin v. Osmond (M D)
Woodhatch v. Freeland (E to answer)	Woolnough v. Sturgis (M D)
Lambert v. Turner (M D) Nov. 4	Mayne v. Clement (Cause)
Viscount Wellesey, now Earl of Mornington v. Earl of Mornington	Matthews v. Goodday (M D)
Countess of Mornington v. Viscount Wellesey, now Earl of Mornington	Davies v. Smith (M D)
Drakeford v. Stubbs (F C, Sum. to vary certificate, pt. hd., a day to be named)	Thompson v. Thompson (Ca.)
Colyer v. Colyer (Cause)	Wills v. Pain (Cause)
Langston v. Cooke (Cause)	Leaton v. Armstrong (M D)
Tranfield v. Tranfield (Cause)	Hawley v. Jackson (M D)
Fleischmann v. Earl of Mornington (M D)	Stacy v. Souther (Cause)
Upton v. Vanner (Cause)	Leyland v. Leyland (Cause)
Colyer v. Colyer (M D)	Webster v. Jenner (Cause)
Hinchcliffe v. Hinchcliffe (Sp. case)	Sands v. Soden (M D)
	Mayhew v. Flimney (Cause)
	Hoare v. Osborne (Cause)
	Ward v. Hyde (F C)
	Cleverly v. Cleverly (F C)
	Kenrick v. Aggett (F C)
	Humfrey v. Humfrey (Sp C)
	Wilson v. Hathaway (Cause)
	Tampier v. Ingle (M D)
	White v. King (M D)

*Before the Vice-Chancellor Sir JOHN STUART.*

## CAUSES, &amp;c.

- Todd v. Bright (E to answer)  
 Crow v. Cross (D)  
 Clegg v. Clegg (Ca.) } 3rd  
 Clegg v. Clegg (Sup.) } C D in  
 Cause) Term  
 Anglo-Australian & Universal  
 Family Life Assurance Co.  
 v. British Provident Life  
 and Fire Assurance Society  
 (M D)  
 Marshall v. Carter (Cause)  
 Gibbs v. Daniel (M D)  
 Bayley v. Casse (Cause)  
 Casse v. Bayley (Cause)  
 Whitehouse v. Whitehouse  
 (M D)  
 Douglas v. Culverwell (Cause)  
 Hulton v. Hutchinson (Cause)  
 Rickards v. Gledstanes (M D)  
 2nd C D  
 Blest v. Brown (M D) Nov. 11  
 Woodhams v. Anglo-Austra-  
 lian and Universal Family  
 Life Assurance Co. (M D)  
 Nov. 9  
 Campbell v. Kay (M D)  
 Harries v. Vaughan (F C,  
 Summons)  
 Burdon v. Barkins (M D)  
 Williams v. Cooke (F C, Sum.)  
 Mills v. Barlow (M D)  
 Palmer v. Kay (M D)  
 Clarke v. Watson (Cause)  
 Hunt v. Topham (M D)  
 Hunt v. Topham (M D)  
 Hope v. Lister (Cause)  
 Perks v. Wycombe Railway  
 Co. (M D)  
 Eastwood v. Ayrton (M D)  
 Edmunds v. Moore (M D)  
 Caraw v. Arundel (M D)  
 Smith v. Last (M D)  
 Branker v. Roberts (Cause)  
 Smith v. Smith (F C)  
 Fisher v. Carter (M D)  
 Tilleard v. McCormack (M D)  
 Clayton v. Stansfield (M D)  
 Jauncey v. Att.-Gen. (F C)  
 Leather Cloth Co., Limited  
 v. Bresse (M D)  
 Price v. Mulcock (M D)  
 Blake v. Reed (M D)  
 Elgie v. Arkell (F C)  
 Norwood v. Chambers (F C)  
 Scott v. Forristall (M D)  
 Graham v. Graham (F C, 2  
 Summons)  
 Webb v. Holton (F C)  
 Hirtzell v. Mules (F C)  
 Bell v. Sherwen (F C)  
 Waters v. Savio (F C)  
 Mills v. Alleyne (F C)  
 In re Holmes's Es- } (F C,  
 tate } from  
 Humpage v. Inskip } chanc.)  
 Hewes v. Jarvis (F C, Sum.)  
 Eglin v. Sanderson (F C)  
 Burfield v. Livesey (M D)  
 Seaman v. Seaman (F C)  
 Rayson v. Watson (F C)  
 Cann v. Beetham (M D)  
 Wiggins v. Fruin (M D)  
 Baker v. Goodwig (M D)  
 Le Douciet v. Blanchard (M  
 D)  
 Milroy v. Lord (M D)  
 Hovil v. Humphreys (F C)  
 Heald v. Kay (M D)  
 Bradford v. Nettleship (F C)  
 Hingston v. Lyne (F C)  
 Fielder v. Hornby (F C)  
 Cordingley v. Cheesebrough  
 (M D)  
 Shepherdson v. Dale (M D).

*Before the Vice-Chancellor Sir W. P. Wood.*

## CAUSES, &amp;c.

- In re Reg. and James Manger  
 Holmes & ors. (D of Att.-  
 Gen. to petition of right)  
 O'Brien v. Matland (E to  
 answer)  
 Wilson v. Harrison (Pl)  
 Lett v. Parry (E to answer)  
 Hope v. Fox (M D)  
 Ashton v. Copeland (Sp C)  
 Wilks v. Williams (Sp C)  
 Glaver v. Baker (M D) Nov. 4  
 Brown v. Lindsay (M D)  
 Whalley v. Ramage (Cause)  
 Williams v. Lewis (Cause)  
 Parkes v. Mills (M D)  
 Mendez v. Guedalla (M D)  
 Heyworth v. Great Western  
 Railway Co. (Cause)  
 Stanley v. Stanley (M D)  
 Pinner v. Hughes (M D)  
 Hughes v. Jones }  
 D. Thomas v. Jones } (Cause)  
 J. Thomas v. Jones }  
 Wyman v. Bockett (M D)  
 Wyman v. Mason (M D)  
 Mason v. Wyman (M D)  
 Mayor, &c. of Kingston-upon-  
 Hull v. Att.-Gen. (M D)  
 Wright v. Wright (Cause)  
 Hunt v. Teser (Cause)  
 Aylwin v. Challen (Cause)  
 Salter v. Salter (Cause)  
 Howe v. Clarke (M D)  
 Giles v. Phelps (M D)  
 Spilsbury v. Kent (M D)  
 Ogden v. Fossick (Cause)  
 Bell v. Cade (Sp C)  
 Shand v. Stansfield (M D)  
 Bastin v. Hingeston (M D)  
 Davenport v. Davenport (M  
 D)  
 Swansea Harbour Trustees v.  
 Swansea Dock Co. (M D)  
 Bulpitt v. Gover (Cause)  
 Whitmore v. Mason (Cause)  
 Michael v. Stephenson (M D)  
 Brown v. Kaine (M D)  
 Elbery v. Wilkins (Sp C)  
 Wood v. Bower (Cause)  
 Robinson v. Baynes (Cause)  
 Jeaffreson v. Barnard (Cause)  
 Fothergill v. Randall (M D)  
 Clayton v. Rudgard (M D)  
 Cresswell v. Haines (M D)  
 Bond v. Taylor (M D)  
 Hance v. Trawhott (Sp C)  
 Dixon v. Duffield (Sp C)  
 Grainger v. Anderson (Cause)  
 Ponsford v. Swayne (Cause)  
 Spaight v. Cowne (Cause)  
 Glyn v. Flannan (M D)  
 Holmes v. Blackmore (M D)  
 Arthur Smith v. Williams  
 Smith (Cause)

- Reeve v. Reeve (Cause)  
 Hill v. Potts (Cause)  
 Thomas v. Lewis (Cause)  
 Ball v. Universal Marine In-  
 surance Co. (M D)  
 Cook v. Tibbs (Cause) Nov. 5  
 Jones v. Jones (M D)  
 Clayton v. Bramham (M D)  
 Turner v. Taylor (M D)  
 Hitchin v. Saunders (M D)  
 Trevelyan v. Rowlands (M D)  
 London and North-western  
 Railway Co. v. Ackroyd (M  
 D)  
 Marsh Caldwell v. Marsh  
 Caldwell (F C)  
 General Iron Screw Collier  
 Co. v. Schurmanns (F C)  
 Mills v. Brown (M D)  
 Brooks v. Maurenbrecher (M  
 D)  
 Firth v. Longbottom (F C)  
 Crossley v. Dixon (M D)  
 Sidebottom v. Sidebottom (F  
 C)  
 Turquand v. Padrie (M D)  
 Willoughby v. Middleton (M  
 D)  
 Barrow v. White (M D)  
 Nash v. Nash (F C)  
 Stubbs v. Oldham (F C)  
 Postlethwaite v. Lawthwaite  
 (M D)  
 Wyndham v. Wyndham (M  
 D)  
 Drake v. Row (F C)  
 Watkins v. Smith (F C)  
 Mollish v. Vallins (Sp C)  
 Meux v. Watling (M D)  
 Heather v. Heather (M D)  
 German v. Flower (Sp C)  
 Stevenson v. Whitmore (Cau.)  
 Barnard v. Barnard (Cause)  
 Parker v. Hills (F C)  
 Layton v. Sturgis (M D)  
 Wainford v. Packer (F C)  
 Clarke v. Manchester, Shef-  
 field, & Lincolnshire Rail-  
 way Co. (M D)  
 Shaw v. Postlethwaite (F C)  
 Vinetelly v. Friwell (M D)  
 Barker v. Bamford (F C)  
 Crozier v. Pantton (Cause)  
 Att.-Gen. v. Mayor, &c. of  
 Newcastle-under-Lyne (M  
 D)  
 Day v. Pilgrim (Cause)  
 Ingham v. Potts (F C)  
 Benham v. Keane (F C)  
 In re Harborne's } (F C, adj.  
 Estate } from  
 Buncted v. Rossi } chambers)  
 Hanson v. Farrar (M D)  
 Bushell v. Collett (M D)  
 Watts v. Druce (Cause)  
 Payne v. Sturgis (M D)  
 Newton v. Marsden (Sp C)  
 Roys v. Roys (M D)  
 Aslett v. Farquharson (M D)  
 Piggitt v. Sills (M D)  
 Marshall v. Passcod (F C)  
 Livesey v. Broughton (M D)  
 Spratt v. Wilson (M D)  
 Att.-Gen. v. Mercuria Co. (Cau.)  
 Hunter v. Hunter (M D)  
 Wyatt v. Watson (M D)  
 Dalton v. Hill (Sp C)  
 Bunn v. Folkestone West Cliffs  
 Hotel Co., Limited (M D)  
 Smart v. Dowager Countess of  
 Jersey (M D)  
 Hay v. Metropolitan Railway  
 Co. (M D)  
 Horsfall v. Horsfall (M D)  
 Horsfall v. Hulbert (M D)  
 Montefiore v. Bickley (M D)  
 Minahull v. Hill (M D)  
 Thompson v. Watts (M D)  
 Allen v. Allen (M D).

- GEORGE HAMMERSLEY, Gloucester-street, Clerkenwell,  
 previously of St. James's-road, Holloway, grocer, Nov. 6  
 at 11, London: Off. Ass. Edwards; Sol. Gold, 2, White-  
 friars-street, London.—Pet. f. Oct. 23.  
 CHARLES FARRAR, Moor-terrace, Park-road, Old Kent-  
 road, Surrey, manufacturing chemist (now a prisoner in  
 Horse-monger-lane Gaol), Nov. 4 at 2, London: Off. Ass.  
 Edwards.—Pet. f. Oct. 21.  
 WILLIAM HENRY CLARKER, Vernon-place, Bloomsbury-  
 square, Middlesex, engineer (now a prisoner in Whitecross-  
 street Prison), Nov. 5 at 11, London: Off. Ass. Edwards.—  
 Pet. f. Oct. 21.  
 JOHN AUGUSTUS CRABB, Trevor-terrace, Knightsbridge,  
 and Portman-place, London, and Tunbridge, Kent, watch-  
 maker (now a prisoner in the Queen's Prison, Southwark),  
 Nov. 5 at 12, London: Off. Ass. Edwards.—Pet. f. Oct. 22.  
 RICHARD WEBBER, Harwich, Essex, baker, Nov. 5 at  
 11, London: Off. Ass. Edwards; Sol. Duffield, 71, King  
 William-street, London, and Chelmsford, Essex.—Pet. f.  
 Oct. 22.  
 SAMUEL GREEN, Wilton-terrace, Park-road, Dalston,  
 Middlesex, late a clerk in the Inland Revenue Office, Nov.  
 5 at 11, London: Off. Ass. Edwards; Sol. Leete, 35, Lin-  
 coln's-inn-fields, London.—Pet. f. Oct. 19.  
 THOMAS THORN, Highfield-terrace, Gloucester-place,  
 Kentish-town, Middlesex, clerk to an attorney, Nov. 7 at  
 2, London: Off. Ass. Edwards; Sol. Mant, 5, Great James-  
 street, Bedford-row, London.—Pet. f. Oct. 24.  
 WILLIAM OBADIAH CLARK, Gate-street, Upper North-  
 street, Poplar, Middlesex, baker, Nov. 7 at 1, London:  
 Off. Ass. Edwards; Sol. Rimella, 10, Lombard-street,  
 London.—Pet. f. Oct. 24.  
 JAMES MASBY, Weston-super-Mare, Somersetshire, builder,  
 Nov. 5 at 11, Bristol: Off. Ass. Acraman; Sol. Clifton &  
 Benson, Bristol.—Pet. f. Oct. 23.

**EDWARD WESTBROOK**, Hanley, Staffordshire, greaser (carrying on business at Burslem and Liverpool with Thomas Hewitt), Nov. 6 at 11, Birmingham: Off. Ass. Kinneer; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. f. Oct. 23.

**CHARLES TUNNICLIFFE**, Tamworth, Warwickshire, and Stafford, draper, Nov. 7 at 11, Birmingham: Off. Ass. Kinneer; Sols. Powell & Son, or Knight, Birmingham.—Pet. f. Oct. 24.

**JOSEPH WILLIAMSON**, Chivers Coton, Warwickshire, manager of ironworks (formerly of Hazel-grove, Goshire, ironfounder), Nov. 7 at 11, Birmingham: Off. Ass. Whitmore; Sols. Dewes & Norton, Nuneaton; Reese, Birmingham.—Pet. f. Oct. 24.

**SAMUEL BOWEN**, West Bromwich, Staffordshire, glass dealer, Nov. 11 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, or Sargant, Birmingham.—Pet. f. Oct. 12.

**CHARLES MILES**, Freme Selwood, Somersetshire, innkeeper, Nov. 4 at 12, Bristol: Off. Ass. Miller; Sols. Wittey, Devizes; Abbot & Co., Bristol.—Pet. f. Oct. 22.

**ROBERT TAIT**, Skipton, Yorkshire, clog maker, Nov. 5 at 11, Leeds: Off. Ass. Hope; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. f. Oct. 22.

**BARNETT HARRIS**, Kingston-upon-Hull, cabinet maker, Nov. 6 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Ayre, Kingston-upon-Hull.—Pet. f. Oct. 22.

**EDWARD CURTIS**, Bloxworth, Dorsetshire, coal merchant (now a prisoner in the County Prison at Dorchester), Nov. 5 at 1, Exeter: Off. Ass. Hirtzel; Sols. Terrell, Exeter; Symonds, Dorchester.—Pet. f. Oct. 22.

**BARNIT LEVI** and **GEOGE LEVI**, Liverpool, watchmakers (carrying on business under the firm of B. Levi & Son), Nov. 6 at 11, Liverpool: Off. Ass. Morgan; Sols. Dodge & Wynne, Liverpool.—Pet. f. Oct. 23.

**JOSEPH RADCLIFFE**, Liverpool, porter merchant, Nov. 7 at 11, Liverpool: Off. Ass. Morgan; Sols. Woodburn & Pemberton, Liverpool.—Pet. f. Oct. 24.

**GEOGE WARHURST**, Leigh, Lancashire, ironmonger (now a prisoner in the Gaol of Lancaster Castle), Nov. 4 at 12, Manchester: Off. Ass. Hernsman; Sol. Miller, Bristol.—Pet. f. Oct. 14.

**WILLIAM QUARMBY**, Ashton-under-Lyne, Lancashire, bookseller, Nov. 5 at 12, Manchester: Off. Ass. Hernsman; Sols. Brooks & Co., Manchester and Ashton-under-Lyne.—Pet. f. Oct. 23.

**JOHN STEVENSON** and **ROBERT STEVENSON**, Walsden, Lancashire, cotton manufacturers (carrying on business under the style or firm of John & Robert Stevenson), Nov. 7 at 12, Manchester: Off. Ass. Hernsman; Sols. Richardson & Hinnell, Manchester and Bolton.—Pet. f. Oct. 12.

**CHARLES WHITLEY**, Manchester, engineer (trading with Joseph Whitley, of Leeds, brassfounder, at Manchester, as engineers, under the style of Charles Whitley & Co.), Nov. 4 at 12, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Pet. f. Oct. 21.

**JOHN MARSHALL YOUNG**, Manchester, merchant (trading between San Jose, in Costa Rica, and England, under the firm of John M. Young & Co.), Nov. 7 at 12, Manchester: Off. Ass. Fraser; Sols. Higson & Robinson, Manchester.—Pet. f. Oct. 16.

**JOSEPH SIMISTER**, Manchester, baker, Nov. 5 at 12, Manchester: Off. Ass. Pett; Sol. Partington, Manchester.—Pet. f. Oct. 22.

**JOHN CLARKE**, Glossop, Derbyshire, tailor (now a prisoner in the Gaol of Lancaster Castle), Nov. 8 at 12, Manchester: Off. Ass. Pett; Sol. Storer, Manchester.—Pet. f. Oct. 17.

**EDWIN DONE**, Manchester, hessian dealer, Nov. 8 at 12, Manchester: Off. Ass. Pett; Sols. Atkinson & Hartford, Manchester.—Pet. f. Oct. 23.

**JOSEPH WALTON BARNES**, Newcastle-upon-Tyne, firebrick manufacturer (trading under the firm of J. W. Barnes & Co.), Nov. 5 at half-past 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Stewart, Newcastle-upon-Tyne; Shum & Crossman, 3, King's-road, Bedford-row, London.—Pet. f. Oct. 22.

**RICHARD RENDER**, Widdington, Durham, draper, Nov. 8 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. Oct. 15.

**WINSTONS.**

**Edward Simons**, Newgate-street, City, and Birmingham, lamp dealer, Nov. 6 at half-past 12, London, last ex.—**Edward H. Gregory** and **Leoley A. Gregory**, Great St. Helen's, City, African merchants, Nov. 6 at half-past 1, London, last ex.—**Hugo Dullens**, Fore-street, Cripplegate, City, merchant, Nov. 7 at half-past 11, London, last ex.—**John Smith**, Bradford, Yorkshire, stuff manufacturer, Nov. 14 at 11, Leeds, last ex.—**Thomas Burgin** and **William Burgin**, Great Winchester-street, City, upholsterers, Nov. 7 at 11, London, and ac.—**John Blackwood Wilson**, John-street, Penton-st., Pentonville, Middlesex, draper, Nov. 6 at 12, London, and ac.—**H. Snyer**, Woodall-place, Brixton-road, Surrey, grocer, Nov. 6 at half-past 11, London, and ac.—**Patrick Brown**, Paddington-green, and West-place, Islington-green, Middlesex, lead merchant, Nov. 6 at 11, London, and ac.—**Mary Ann Pilon Jones**, widow, Buckingham-street, Strand, Middlesex, licensed victualler, Nov. 6 at 11, London, and ac.—**Wm. Levett**, Union-street, Southwark, and Blackfriars-road, Surrey, patent wadding manufacturer, Nov. 6 at half-past 11, London, and ac.—**Charles Lovell**, Great Marlborough-street, Regent-street, Middlesex, glass merchant, Nov. 6 at half-past 11, London, and ac.—**Albert Arndt**, Tudor-street, Blackfriars, City, drysalter, Nov. 6 at 11, London, and ac.—**Wm. Cameron**, Bristol, drysalter, Nov. 7 at 11, Bristol, and ac.—**George Kelsey Lee**, Sunderland, Durham, linendraper, Nov. 5 at 12, Newcastle-upon-Tyne, and ac.—**Wm. Laidler**, Sunderland, Durham, shoe manufacturer, Nov. 8 at 12, Newcastle-upon-Tyne, and ac.—**Robert Cowan**, Newcastle-upon-Tyne, timber merchant, Nov. 8 at 12, Newcastle-upon-Tyne, and ac.—**John Essex**, Coventry, watch manufacturer, Nov. 11 at 11, Birmingham, and ac.—**John Day** the younger, Coventry, and Noble-street, London, ribbon manufacturer, Nov. 4 at 11, Birmingham, and ac.; Nov. 18 at 11, div.—**Wm. Gratorex**, Leicester, shoe manufacturer, Nov. 7 at 11, Nottingham, and ac.—**Chas. Underwood**, James-street, Covent-garden; Drury-lane; and Long-acre, Middlesex, grocer, Nov. 21 at 12, London, div.—**Thomas Townson**, Leamington Priors, Warwickshire, chemist, Nov. 20 at 11, Birmingham, and ac. and div.—**W. Brown**, Cannock, miller, Nov. 20 at 11, Birmingham, div.—**Robert Carruthers** and **George Carruthers**, Liverpool, drapers, Nov. 21 at 11, Liverpool, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**George Henry Hobson**, Upper Ground-street, Blackfriars-road, Surrey, pump manufacturer, Nov. 21 at 2, London.—**John Geanus** and **Frederick Augustus Tarrant**, Bucklebury, City, auctioneers, Nov. 21 at 11, London.—**D. Mundy**, Westbourne-grove, Bayswater, Middlesex, cook, Nov. 16 at 12, London.—**Henry Sleep**, Abbey-wood, Kent, beer-shop keeper, Nov. 16 at 1, London.—**Nathan Aaron Joseph**, Vine-street, Minories, City, importer of foreign goods, Nov. 15 at 1, London.—**John Axel Taleen**, Whitley-villas, Caledonian-road, Islington, Middlesex, insurance broker, Nov. 15 at half-past 11, London.—**George Barnett**, Felix-terrace, Liverpool-road, Islington, Middlesex, butcher, Nov. 15 at 2, London.—**Joseph Samuel Parsons**, Brentford and Uxbridge, Middlesex, watchmaker, Nov. 15 at half-past 1, London.—**Wm. Jas. Epps**, Maidstone, Kent, seedsman, Nov. 15 at half-past 12, London.—**George Hillier**, Trowbridge, Wiltshire, marine-store dealer, Nov. 18 at 11, Bristol.—**Thomas Younger** the younger, Monkwearmouth, Sunderland, Durham, builder, Nov. 20 at half-past 11, Newcastle-upon-Tyne.—**James Nixon**, Melbourne, Victoria, Australia, and Liverpool, merchant, Nov. 15 at 11, Liverpool.—**Robert Edmondson**, Birstal, Yorkshire, stuff manufacturer, Nov. 15 at 11, Leeds.—**Thos. Holt**, Leeds, retailer of beer, Nov. 15 at 11, Leeds.—**D. Appleyard**, T. Wigglesworth, J. Egerton, and C. Clegg, Leeds, machine makers, Nov. 15 at 11, Leeds.—**S. Lee**, Melham, Almondbury, Yorkshire, greaser, Nov. 15 at 11, Leeds.—**Major Gluckstein**, Leeds, tobacconist, Nov. 15 at 11, Leeds.—**Wm. Whitaker**, Bradford, Yorkshire, merchant, Nov. 15 at 11, Leeds.—**Allen Wood**, Lindley, Huddersfield, Yorkshire, woollen-cloth manufacturer, Nov. 15 at 11, Leeds.—**Edward Parkes** the elder, Sheffield, file manufacturer, Nov. 16 at 11, Sheffield.—**W. Martin**, A. Phillips Foulds, and **Wm. Richardson Roebuck**, Doncaster, Yorkshire, iron manufacturers, Nov. 16 at 11, Sheffield.—**Geo. Hartley**,

Sheffield, common brewer, Nov. 16 at 11, Sheffield.—*George Wilkinson*, Swinton, Wath-upon-Dearne, Yorkshire, butcher, Nov. 16 at 11, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*W. Parke Andrew*, Crutched-friars, City, wine merchant.  
—*Frederick Wilkins*, Gloucester-terrace, New-road, White-chapel-road, Middlesex, egg merchant.—*Alfred Edward Williams*, Stainsby-road, Limehouse, Middlesex, cooper.

#### PARTNERSHIP DISSOLVED.

*James Wm. Dean* and *Thomas Dean*, Bloomsbury-square, Middlesex, attorneys, solicitors, and conveyancers.

#### TUESDAY, Oct. 29.

##### BANKRUPTS.

**HENRY PARISH SIMONDS**, Charles-place, Hertford-road, Kingsland, Middlesex, goldbeater, Nov. 9 at 11, London: Off. Ass. Bell; Sol. Beard, 10, Basinghall-street.—Pet. f. Oct. 28.

**EDWIN ALFRED COLWELL**, formerly of Stamford-street, Blackfriars, Surrey, then of Peter-street, Islington, now of High Holborn, Middlesex, wholesale milliner, Nov. 7 at 10, London: Off. Ass. Bell; Sol. Philbus, 20, Coleman-street.—Pet. f. Oct. 24.

**ARTHUR SILBERT DENNY**, Dean-street, Oxford-street, Soho, Middlesex, engineer (now a prisoner in Whitecross-street Prison), Nov. 8 at 1, London: Off. Ass. Johnson.—Pet. f. Oct. 22.

**JOSEPH FORSTER**, King's-college-road, St. John's-wood, Hampstead, Middlesex, commercial traveller, Nov. 9 at 12, London: Off. Ass. Johnson; Sol. Medcalf, 9, Tokenhouse-yard, Lothbury.—Pet. f. Oct. 28.

**WATSON JAMES DICKINSON**, Friar-street, Blackfriars-road, Surrey, coffee-house keeper (now a prisoner in Horse-monger-lane Gaol), Nov. 12 at 11, London: Off. Ass. Johnson.—Pet. f. Oct. 22.

**RICHARD HODSON**, Marlbro'-road, St. John's-wood, Middlesex, secretary to an insurance office (now a prisoner in the Queen's Prison), Nov. 11 at 1, London: Off. Ass. Johnson.—Pet. f. Oct. 28.

**WILLIAM PLIMLEY**, Cape Nursery, Shepherd's-bush, Middlesex, market gardener, Nov. 9 at 1, London: Off. Ass. Cannan; Sol. Jones, 5, New-inn, Strand.—Pet. f. Oct. 28.

**ISAAC PENTECOST**, Lewisham-street, Great Queen-street, Westminster, Middlesex, beer-shop keeper (now a prisoner in Horse-monger-lane Gaol), Nov. 8 at 11, London: Off. Ass. Cannan.—Pet. f. Oct. 22.

**JOB PERKINS**, Angel-court, Skinner-street, City, journeyman printer, Nov. 8 at 12, London: Off. Ass. Cannan; Sol. Preston, 10, Austin-friars.—Pet. f. Oct. 25.

**ROBERT BACON**, late of Blackmore, Essex, publican, now of Great Woodstock-street, Marylebone, Middlesex, out of business, Nov. 8 at 2, London: Off. Ass. Cannan; Sol. Hand, 22, Coleman-street.—Pet. f. Oct. 25.

**SAMUEL STANGER**, Church-street, Bethnal-green, Middlesex, grocer, Nov. 11 at 1, London: Off. Ass. Cannan; Sol. Jukes, 10, Bridgewater-square, Barbican.—Pet. f. Oct. 28.

**JANE FYFFE** and **WILLIAM THOMAS FYFFE**, Deptford, Kent, lightermen, Nov. 9 at 2, London: Off. Ass. Graham; Sol. Sandom, Deptford, Kent.—Pet. f. Oct. 26.

**THOMAS HUNTER**, Baring-street, New North-road, Hoxton, Middlesex, linendraper, Nov. 8 at 3, London: Off. Ass. Graham; Sols. Treherne & Wolferstan, 7, Gresham-street, London.—Pet. f. Oct. 25.

**AUGUSTUS NEWTON**, Curzon-street, Mayfair, esquire (now a prisoner in the Queen's Prison), Nov. 8 at 12, London: Off. Ass. Stansfeld; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Oct. 24.

**JOHN ABRAHAM**, Dunstable, Bedfordshire, straw-hat manufacturer, Nov. 8 at 2, London: Off. Ass. Stansfeld; Sols. Croxley & Burn, 34, Lombard-street, London.—Pet. f. Oct. 22.

**FREDERICK BILLINGTON**, Commercial Dining-rooms, Cheapside (now a prisoner in Whitecross-street Prison), Nov. 11 at 10, London: Off. Ass. Edwards.—Pet. f. Oct. 29.

**JOHN VICKERS**, Aubrey-road, Notting-hill, Middlesex, commission agent, Nov. 9 at 1, London: Off. Ass. Pennell; Sol. Chidley, 66, Old Jewry, London.—Pet. f. Oct. 23.

**THOMAS GEORGE RIDER**, Albion-place, Camberwell New-road, Surrey, leather merchant, Nov. 12 at 2, London: Off. Ass. Stansfeld; Sol. Hand, 22, Coleman-street, London.—Pet. f. Oct. 28.

**WILLIAM BURGESS**, Sussex-street, Pimlico, Middlesex, furniture dealer (now a prisoner in Whitecross-street Prison), Nov. 9 at 11, London: Off. Ass. Stansfeld.—Pet. f. Oct. 24.

**WILLIAM HOWITT**, Ravenscourt-cottages, West-end, Hammersmith, Middlesex, carpenter, Nov. 9 at 12, London: Off. Ass. Edwards; Sol. Dashwood, 43, James-grove, Peckham, Surrey, and 3, Falcon-court, Fleet-street, London.—Pet. f. Oct. 26.

**SAMUEL RAVEN**, Douglas-road, Islington, Middlesex, solicitor (now a prisoner in the Queen's Prison), Nov. 8 at 12, London: Off. Ass. Edwards; Sol. Jenkins, 31, Nicholas-lane, London.—Pet. f. Oct. 25.

**ALFRED LEMAN**, Liverpool, ale-store keeper, and Poplar, Middlesex, commercial traveller (now a prisoner in Whitecross-street Prison), Nov. 9 at 11, London: Off. Ass. Edwards.—Pet. f. Oct. 25.

**JOHN SAMUEL BEALE**, Paddington-green, Middlesex, surgeon, Nov. 11 at 2, London: Off. Ass. Edwards; Sol. Clarke, 2, Stanley-place, Paddington-green, London.—Pet. f. Oct. 28.

**THOMAS HEADLAND**, Bermondsey New-road, Surrey, leather seller, Nov. 11 at 12, London: Off. Ass. Edwards; Sol. Chipperfield, 3, Trinity-street, Southwark, Surrey.—Pet. f. Oct. 28.

**STEPHEN FROUD**, otherwise called **JOHN EDWARD FROUD**, Landowne-road North, Notting-hill, Middlesex, builder, Nov. 9 at 12, London: Off. Ass. Edwards; Sol. Poole, 58, Bartholomew-close, London.—Pet. f. Oct. 23.

**MATTHEWS COPPLESTONE**, late of Brighton, Sussex, then of Cheyne-walk, Chelsea, Middlesex, but now of Barnes, Surrey, wine merchant, Nov. 11 at 11, London: Off. Ass. Edwards; Sol. Kisch, 8, Lancaster-place, Strand, London.—Pet. f. Oct. 28.

**ISAAC DICKINSON**, Bennington, near Stevenage, Hertfordshire, baker, Nov. 12 at 1, London: Off. Ass. Pennell; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. d. Oct. 28.

**GEORGE HENRY DE STRABOLGÉE NEVILLE PLAN-TAGENET HARRISON**, Kensington-gardens-square, Middlesex (now a prisoner in the Queen's Prison), Nov. 11 at 2, London: Off. Ass. Pennell.—Pet. f. Oct. 25.

**EDWARD BARNES SMITH**, Woodcote, Epsom, Surrey, horsedealer, Nov. 9 at 2, London: Off. Ass. Pennell; Sols. Gibbs & Tucker, 17, Clement's-lane, London.—Pet. f. Oct. 23.

**THOMAS ISLIP**, late of Rowell, Northamptonshire, then of Edmonton, Middlesex, and now of Litchurch, Derbyshire, carpenter, Nov. 11 at 12, London: Off. Ass. Pennell; Sol. Raa, 18, Warwick-court, Gray's-inn, London.—Pet. f. Oct. 24.

**HENRY KINZETT**, St. John-street-road, Clerkenwell, Middlesex, artificial florist, Nov. 9 at 11, London: Off. Ass. Pennell; Sols. Lewis & Sons, 7, Wilmington-square, London.—Pet. f. Oct. 26.

**CHRISTOPHER ROUTLEDGE**, Lower Sydenham, Kent, brickmaker, Nov. 23 at 11, London: Off. Ass. Pennell; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Oct. 25.

**JOHN HUNTER**, Wolsey-terrace, Kentish-town, Middlesex, gentleman (now a prisoner in Whitecross-street Prison), Nov. 23 at half-past 11, London: Off. Ass. Pennell.—Pet. f. Oct. 29.

**JOSEPH CHILD TINGLE**, Thame, Oxfordshire, brewer, Nov. 9 at 11, and Dec. 9 at 12, London: Off. Ass. Pennell; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Sept. 27.

**JOHN BUSH MERCER**, Bath, Somersetshire, carpenter, Nov. 8 at 11, Bristol: Off. Ass. Acraman; Sols. Slack & Simmons, Bath; Abbot & Co., Bristol.—Pet. f. Oct. 25.

**JOSEPH TODD**, Exmouth, Devonshire, gentleman, Nov. 8 at 12, Exeter: Off. Ass. Hirtzel; Sols. Adams, Exmouth; Turner & Hirtzel, Exeter.—Pet. f. Oct. 25.

**GEORGE HEDGCOMBE SMITH**, North Perrot, near Crewkerne, Somersetshire, twine manufacturer, Nov. 11 at 1, Exeter: Off. Ass. Hirtzel; Sols. Dommett & Canning, Chard; Clarke, Exeter.—Pet. f. Oct. 28.



**THOMAS WILLIAM TOTTINGHAM PRESCOTT**, Bryanston-street, Portman-square, Middlesex, of no profession, Nov. 11 at 12, Bristol: Off. Ass. Miller; Sols. Syme, J. Furnival's-inn, London; Henderson, Bristol.—Pet. f. Oct. 18.

**JOHN WILDS**, commonly known as **JOHN TWIWEY**, Carlton, near Smith, Yorkshire, dealer in flax, Nov. 8 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Oct. 25.

**THOMAS BELL**, York, chemist, Nov. 8 at 11, Leeds: Off. Ass. Young; Sols. Richardson & Cobb, York; Bond & Barwick, Leeds.—Pet. f. Oct. 25.

**JOHN OUTHWAITE**, Gool, Yorkshire, joiner, Nov. 11 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Oct. 28.

**ELIJAH OUTHWAITE**, Leeds, Yorkshire, plumber, Nov. 11 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Oct. 28.

**SAMUEL OUTHWAITE**, Middlesborough, Yorkshire, butcher, Nov. 11 at 11, Leeds: Off. Ass. Young; Sols. Myers, Darlington; Bond & Barwick, Leeds.—Pet. f. Oct. 28.

**JOSEPH AUSTIN**, Kippay, Yorkshire, maltster, Nov. 11 at 11, Leeds: Off. Ass. Hope; Sols. Coleman, Pontefract; Blackburn, Leeds.—Pet. f. Oct. 26.

**JOHN JOLLEY**, Liverpool, clothier, Nov. 11 at 12, Liverpool: Off. Ass. Bird; Sols. Haigh & Deane, Liverpool; Sale & Co., Manchester.—Pet. f. Oct. 21.

**THOMAS QUINN**, Liverpool, draper, Nov. 11 at 11, Liverpool: Off. Ass. Turner; Sols. Dodge & Wynne, Liverpool; Sale & Co., 68, Aldermanbury, London.—Pet. f. Oct. 19.

**NICHOLAS HERBERT DELAMERE**, Liverpool, commission agent, Nov. 9 at 11, Liverpool: Off. Ass. Turner; Sol. Pemberton, Liverpool.—Pet. f. Oct. 26.

**MARIA HARDMAN**, Patricroft, Lancashire, tailor (trading under the name or style of Hardman & Co.), Nov. 9 at 11, Manchester: Off. Ass. Fraser; Sol. Boots, Manchester.—Pet. f. Oct. 26.

**HENRY WORTHINGTON** and **WILLIAM GILLIBRAND**, Guide Lower Darwen, near Blackburn, Lancashire, cotton manufacturers (trading under the firm of Worthington & Co.), Nov. 8 at 12, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Pet. f. Oct. 18.

**CHARLES SPRINGMANN**, Newcastle-upon-Tyne, shipbroker, Nov. 8 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Daglish & Stewart, Newcastle-upon-Tyne.—Pet. f. Oct. 25.

**THOMAS TAYLOR**, Darlington, Durham, miller, Nov. 9 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. Oct. 26.

**GEORGE HENZEL DIXON**, Newcastle-upon-Tyne, iron merchant (carrying on business under the firm of Dixon & Co.), Nov. 9 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Cram & Legge, Newcastle-upon-Tyne.—Pet. f. Oct. 26.

**JOHN HAWTHORN**, Burslem, Staffordshire, builder, Nov. 9 at 2, Burslem: Off. Ass. Whitmore; Sols. Smith, Birmingham; Lees, Burslem.—Pet. f. Oct. 18.

**JOHN WOOD PRENTIS**, Birmingham, grocer, Nov. 8 at half-past 11, Birmingham: Off. Ass. Whitmore; Sols. Beale & Marigold, Birmingham.—Pet. f. Oct. 25.

**SARAH HULSTON**, Birmingham, pocket-book manufacturer (carrying on business with John Hulston, under the firm of S. Hulston & Son), Nov. 11 at 11, Birmingham: Off. Ass. Whitmore; Sol. Foster, Birmingham.—Pet. f. Oct. 28.

**WILLIAM THOMAS POWELL**, Tenbury, Worcestershire, and Knighton, Radnorshire, draper, Nov. 11 and Dec. 2 at 11, London: Off. Ass. Kinneer; Sol. Bridges, Birmingham.—Pet. d. Oct. 10.

**FRANCIS HENRY DEAKINS**, Ledbury, Herefordshire, licensed victualler, Dec. 5 at 11, Birmingham: Off. Ass. Kinneer; Sols. East & Parry, Birmingham.—Pet. f. Oct. 14.

**WILLIAM TAYLOR SMITH** and **WADE HAMPTON SMITH**, Sedgley, Staffordshire, mine drainers, Nov. 29 at 11, Birmingham: Off. Ass. Kinneer; Sols. Hayes & Wright, Oldbury; Hodgson & Allen, Birmingham.—Pet. f. Oct. 14.

**FREDERICK WILLIAM ASTLEY**, Smethwick, Staffordshire, schoolmaster, Dec. 5 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Oct. 14.

**WILLIAM WALKER**, Walsall, Staffordshire, harness maker, Nov. 11 at 12, Walsall: Off. Ass. Kinneer; Sol. Duignan, Walsall.—Pet. f. Oct. 25.

#### MEETINGS.

**Robert Hicks**, Mortimer-street, Cavendish-square, Middlesex, and Lime-villas, Lewisham, Kent, house agent, Nov. 27 at 2, London, last ex.—**James Mason**, Ware, Hertfordshire, maltster, Nov. 27 at half-past 2, London, last ex.—**William Brown Taylor**, Norwich, tobacconist, Nov. 8 at 1, London, last ex.—**Raymond D'Arcy Newton**, Warwick-square, City, advertising agent, Nov. 8 at 12, London, last ex.—**William Whitem**, Meriden, Warwickshire, grocer, Nov. 22 at 11, Birmingham, aud. ac.; Nov. 19 at 11, div.—**James Cowton**, Birmingham, fruiterer, Nov. 8 at 11, Birmingham, aud. ac.—**Harry Rawson**, Manchester, stationer, Nov. 15 at 12, Manchester, aud. ac.; Nov. 19 at 12, div.—**Richard George Papps**, Barbican, City, builder, Nov. 21 at 1, London, div.—**Mark Feltham**, West Winch, Norfolk, miller, Nov. 20 at 12, London, div.—**Grinder Anthon Martin Aas**, Colchester-street, City, shipbroker, Nov. 20 at half-past 1, London, div.—**George Barnett**, Felix-terrace, Liverpool-road, Islington, Middlesex, butcher, Nov. 20 at half-past 12, London, div.—**John Everett**, Green-hill-grove, Little Ilford, Essex, carpenter, Nov. 20 at 1, London, div.—**John Azei Talem**, Whitley-villas, Caledonian-road, Islington, Middlesex, ice merchant, Nov. 20 at half-past 11, London, div.—**John Liveridge**, Tabernacle-walk, Shoreditch, and Devon-villas, Buckingham-road, De Beauvoir-town, Middlesex, wheelwright, Nov. 20 at 11, London, div.—**William Henry Rowe**, Gloucester-place, Gloucester-crescent, Regent's-park, Middlesex, builder, Nov. 20 at half-past 11, London, div.—**Matthew Hutchinson**, Mark-lane, City, and Paragon, Blackheath, Kent, hemp dealer, Nov. 20 at 2, London, div.—**Richard Baker**, Ipsley, Warwickshire, needle dealer, Nov. 29 at 11, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**George Henry Hobson**, Upper Ground-street, Blackfriars-road, Surrey, pump manufacturer, Nov. 21 at 2, London.—**George Jones**, Camden-house, Holloway-road, Islington, Middlesex, jeweller, Nov. 21 at 12, London.—**James Randall**, Byfleet, near Cobham, Surrey, victualler, Nov. 20 at 2, London.—**James Landell Fuggle**, Gutter-lane, Cheapside, City, necktie manufacturer, Nov. 19 at 1, London.—**Neville Browns**, Fleet-street, City, hotel keeper, Nov. 20 at 11, London.—**Lane Cooke** and **Matthew Cooke**, Moorsley Banks, Durham, paper manufacturers, Nov. 29 at 12, Newcastle-upon-Tyne.—**Francis Lang Brooking** the younger, Totness, Devonshire, grocer, Nov. 21 at 12, Exeter.—**John Milhench**, **Thomas Wroe**, **Benjamin Taylor**, and **John Hopkin**, Oldham, Lancashire, cotton spinners, Nov. 20 at 12, Manchester.—**James Garton**, Nottingham, and **Daniel Brown**, Manchester, hardware dealers, Nov. 20 at 12, Manchester.—**Mourat Theofokidi**, Manchester, merchant, Nov. 21 at 12, Manchester.—**John Banfield**, Handsworth, Staffordshire, organ builder, Nov. 29 at 11, Birmingham.—**Alfred Blow**, Birmingham, mill-band maker, Nov. 29 at 11, Birmingham.

*To be granted, unless an Appeal be duly entered.*

**Mary Ann Pilon Jones**, widow, Buckingham-street, Strand, Middlesex, licensed victualler.—**John Edward Elford**, Cumberland-place, Bayswater, Paddington, Middlesex, grocer.—**William Henry Batchelar**, Leatherhead, Surrey, builder.—**William Chamney**, Portsmouth, grocer.—**Henry Boreham**, Wilnot-street, Russell-square, Middlesex, plumber.—**John Christian Benjamin Wild**, St. Mary Axe, City, licensed victualler.—**John Turner** the younger, Little Ormond-street, Middlesex, licensed victualler.—**George Wall**, Canterbury, Kent, common brewer.—**Thomas Wood**, Colchester, Essex, builder.—**Robert Barrie**, York-street, Covent-garden, Middlesex, builder.—**Thomas Lunham**, High-street, Southwark, Surrey, and Dublin, provision merchant.

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### BARRY'S STATUTORY JURISDICTION in CHANCERY 1861.

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R R

## GAZETTES.—FRIDAY, Nov. 1.

## BANKRUPTS.

**EDWARD FOLEY**, Clifton-crescent, Asylum-road, Old Kent-road, Surrey, builder (now a prisoner in Horse-monger-lane Gaol), Nov. 15 at 1, London: Off. Ass. Bell.—Pet. f. Oct. 28.

**BENJAMIN LEVINSON**, Church-street, Spitalfields, Middlesex, wholesale clothier, Nov. 13 at 14, London: Off. Ass. Bell; Sol. Abbott, 1, St. Mark-street, Great Prescott-street, London.—Pet. f. Oct. 29.

**ROBERT HEATHCOTE**, Bell-yard, Temple-bar, Middlesex, licensed victualler (trading with James Stephen Snowden, a prisoner in Whitecross-street Prison), Nov. 20 at half-past 11, London: Off. Ass. Bell.—Pet. f. Oct. 31.

**EMMA FREARSON**, widow, Brewer-street, Somers-town, Middlesex, draper (now a prisoner in Whitecross-street Prison), Nov. 20 at 12, London: Off. Ass. Bell; Sol. May, Russell-square.—Pet. f. Oct. 30.

**CONSTANTINE MOORE**, London-road, Southwark, Surrey, butcher, Nov. 20 at half-past 10, London: Off. Ass. Bell; Sols. Lewis & Sons, Wilmington-square.—Pet. f. Oct. 31.

**THOMAS SUMMERS**, Goodman's-yard, Minorities, City, licensed victualler, Nov. 15 at 12, London: Off. Ass. Johnson; Sol. Abbott, 1, St. Mark-street, Great Prescott-street.—Pet. f. Oct. 31.

**LOUIS RAULT**, Holborn-hill, Middlesex, wine merchant (now a prisoner in the Queen's Prison), Nov. 15 at half-past 1, London: Off. Ass. Johnson.—Pet. f. Oct. 24.

**WILLIAM LOCKS**, Hexton Old-town, Middlesex, timber merchant, Nov. 19 at half-past 11, London: Off. Ass. Johnson; Sols. Wright & Venn, 2, Paper-buildings, Temple.—Pet. f. Oct. 29.

**CHARLES HENRY STOCKER**, Acton-green, Middlesex, out of business, Nov. 15 at 11, London: Off. Ass. Johnson; Sols. Lewis & Lewis, 10, Ely-place.—Pet. f. Oct. 31.

**JANE PINNELL**, widow, Redcross-square, City, silversmith, Nov. 20 at 11, London: Off. Ass. Johnson; Sol. Stophor, Coleman-street.—Pet. f. Nov. 1.

**ABRAHAM MONDAY** and **WILLIAM JOHN NICHOLLS**, Mill-street, City, trimming manufacturers, Nov. 19 at 1, London: Off. Ass. Cannan; Sol. Beard, 10, Basinghall-street.—Pet. f. Oct. 30.

**JOHN FREDERICK GOODERED**, Piccadilly, Middlesex, eating-house keeper, Nov. 19 at 2, London: Off. Ass. Cannan; Sols. Pook, 27, Basinghall-street; Lewis, Great Marlborough-street.—Pet. f. Oct. 30.

**GEORGE PRICE SKINNER**, Eaton-place, Peckham-rye, and Lordship-lane, East Dulwich, Surrey, brickmaker (now a prisoner in the Debtors Prison for the county of Surrey), Nov. 19 at 11, London: Off. Ass. Cannan; Sol. Abrahams, 17, Gresham-street.—Pet. f. Oct. 29.

**WILLIAM MOBBES**, Pensonby-place, Vauxhall-road, Westminster, carpenter (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 19 at 10, London: Off. Ass. Cannan.—Pet. f. Oct. 29.

**MARK WHITE**, Leather-lane, Holborn, Middlesex, licensed victualler, Nov. 19 at half-past 2, London: Off. Ass. Cannan; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Oct. 31.

**GEORGE COX**, Barbican, City, optician, Nov. 19 at half-past 12, London: Off. Ass. Cannan; Sols. Digby & Sharp, 1, Circus-place, Finsbury.—Pet. f. Oct. 31.

**EDWARD HOPEWELL**, Coleman-street, City, mercantile agent (now a prisoner in the Queen's Prison), Nov. 19 at half-past 10, London: Off. Ass. Cannan.—Pet. f. Oct. 29.

**CHARLES MOODY**, Goswell-road, Clerkenwell, Middlesex, pork butcher (now a prisoner in the Debtors Prison for Middlesex), Nov. 19 at half-past 11, London: Off. Ass. Cannan; Sol. Hill, Bury-court, St. Mary-axe.—Pet. f. Oct. 28.

**HENRY GOSSLING**, New Compton-street, Soho, Middlesex, painter (now a prisoner in the Debtors Prison for London), Nov. 19 at 12, London: Off. Ass. Cannan; Sol. Peverley, 19, Coleman-street.—Pet. f. Oct. 28.

**JOHN GABRIEL TURTLE**, Poole, Dorsetshire, shoemaker, Nov. 23 at half-past 12, London: Off. Ass. Pennell; Sols. Dickenson, Poole, Dorsetshire; Flux & Argies, 9, Mincing-lane, London.—Pet. f. Oct. 29.

**JOHN ARTHUR HUTTON**, Westbourne-grove-terrace, Westbourne-grove, Bayswater, Middlesex, clerk in her Majesty's War Office, Nov. 11 at 11, London: Off. Ass. Cannan; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. Oct. 28.

**ROBERT DICKENS**, Yarwell, Northamptonshire, wheelwright, Nov. 23 at 12, London: Off. Ass. Pennell; Sols. Wright & Bonner, 15, London-street, Fenchurch-street, London.—Pet. f. Oct. 29.

**THOMAS KENTISH**, Grange-road, Bermondsey, Surrey, baker (now a prisoner in Horse-monger-lane Gaol), Nov. 23 at half-past 1, London: Off. Ass. Pennell.—Pet. f. Oct. 29.

**PETER BERRELL**, Moor-place, Kenning-road, Surrey, surgeon, Nov. 23 at 1, London: Off. Ass. Pennell; Sol. George, 8, Sise-lane, London.—Pet. f. Oct. 30.

**JOHN MARSHALL**, Crescent, Minorities, City, china dealer, Nov. 12 at 1, London: Off. Ass. Graham; Sol. Pook, 27, Basinghall-street, London.—Pet. f. Oct. 29.

**CHARLES TERRY**, Elliott's-row, Lower-road, Islington, Middlesex, grocer, Nov. 13 at 12, London: Off. Ass. Graham; Sol. Wells, 47, Moorgate-street, London.—Pet. f. Oct. 31.

**HENRY JOHN BARKER**, Lane's Hotel, St. Alban's-place, Haymarket, Middlesex, formerly an ensign in her Majesty's 60th Rifles (now a prisoner in the Queen's Prison), Nov. 14 at 11, London: Off. Ass. Graham; Sols. Lewis & Lewis, 10, Ely-place, Holborn, London.—Pet. f. Oct. 29.

**WILLIAM HENRY CHAPMAN**, Garway-road, Westbourne-grove, Middlesex, every-stable keeper, Nov. 16 at half-past 11, London: Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. Nov. 1.

**WILLIAM HENRY BORHAM**, Cambridge-terrace, Edgware-road, Middlesex, surgeon, Nov. 16 at 11, London: Off. Ass. Stansfeld; Sol. Thistlewood, 10, Symond's-inn, Chancery-lane, London.—Pet. f. Oct. 30.

**JOHN HOWICK**, Weymouth-terrace, Hackney-road, Middlesex, builder (now a prisoner in Whitecross-street Prison), Nov. 11 at 11, London: Off. Ass. Stansfeld; Sol. Massey, 7, Old Jewry, London.—Pet. f. Oct. 26.

**LEOPOLD POLLARD THOMAS**, St. George's-terrace, Kilburn, Middlesex, gentleman (now a prisoner in the Queen's Prison), Nov. 14 at half-past 11, London: Off. Ass. Stansfeld.—Pet. f. Oct. 31.

**WILLIAM ALLISTON LAMPRELL**, Long-lane, City, carpenter (now a prisoner in Whitecross-street Prison), Nov. 22 at half-past 10, London: Off. Ass. Edwards.—Pet. f. Oct. 30.

**FRANCIS MONTIER MERCER**, Midhurst, Sussex, licensed victualler, Nov. 19 at half-past 2, London: Off. Ass. Edwards; Sol. White, 8, Danes-inn, Strand, London, and Guildford, Surrey.—Pet. f. Oct. 30.

**ROBERT HOWES BELSON**, Norwich, plumber (trading under the name of Robert Belson), Nov. 10 at 3, London: Off. Ass. Edwards; Sols. Atkinson, Norwich; Sols & Co., 68, Aldermanbury.—Pet. f. Oct. 30.

**THEOPHILUS HARRIS**, Gloucester-street, Queen's-square, Bloomsbury, Middlesex, law clerk (now a prisoner in Whitecross-street Prison), Nov. 23 at 10, London: Off. Ass. Edwards.—Pet. f. Oct. 29.

**JOHN MARSHALL JONES**, Missionary-place, Walworth, Surrey, commission agent, Nov. 19 at 3, London: Off. Ass. Edwards; Sol. Hall, 1A, Basinghall-street, London.—Pet. f. Oct. 30.

**WILLIAM PIDDING**, Patney, Surrey, inventor and patentee (now a prisoner in the Queen's Prison), Nov. 23 at 11, London: Off. Ass. Edwards.—Pet. f. Oct. 31.

**ROBERT ASHBER**, Oxford-road, Islington, Middlesex, and Peabury, City, metal merchant (now a prisoner in Whitecross-street Prison), Nov. 23 at 2, London: Off. Ass. Edwards.—Pet. f. Oct. 31.

**BENJAMIN WILLIAMSON**, Providence-street, Walworth, Surrey, general dealer (now a prisoner in Whitecross-street Prison), Nov. 23 at half-past 1, London: Off. Ass. Edwards.—Pet. f. Oct. 31.

**WILLIAM ALEXANDER LAW**, White-post-lane, Hackney, Middlesex, commercial traveller, Nov. 23 at half-past 11, London: Off. Ass. Edwards.—Pet. f. Oct. 31.

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## THE JURIST.

LONDON, NOVEMBER 9, 1861.

IN continuation of an article in a former number (ante, p. 387), we proceed to call attention to various acts of Parliament passed during last session, which are either of considerable public importance, or useful to be borne in mind by lawyers in the ordinary routine of actual practice.

The first subject of legislation which we shall notice is that with reference to bequests of *moveables*, as affected by questions of domicile.

With regard to immoveable property, or realty, it is, as is well known, in general governed by the *lex loci rei sitæ*; and, in whatever country a will be executed, it must, both as to its form and mode of expression, be such as would pass land if it had been executed in this country.

With regard to moveable property, the *lex domicilii* prevailed; and therefore, if an Englishman died domiciled abroad, the succession to his moveables was governed by the place of his domicile; and if he made a will there, its validity depended upon its being executed according to the forms there required, and probate would not in this country be granted of such will, unless it appeared to be executed according to the *lex domicilii*; and if it were so executed, probate would be granted here, though it might be invalid as an English will. This state of the law, as affecting bequests of moveables, often gave rise to difficult questions, both with regard to the *vexata questio* of domicile, and also as to the law of the place of the domicile, when ascertained.

These difficulties will, to a great extent, if not entirely, be put an end to by two important acts. The first is the 24 & 25 Vict. c. 114, intitled "An Act to amend the Law with respect to Wills of Personal Estate made by British Subjects." It enacts, that every will and other testamentary instrument made out of the United Kingdom by a British subject (whatever may be the domicile of such person at the time of making the same, or at the time of his or her death) shall, as regards personal estate, be held to be well executed, for the purpose of being admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be made according to the forms required either by the law of the place where the same was made, or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in that part of her Majesty's dominions where he had his domicile of origin (sect. 1). Moreover, every will and other testamentary instrument made within the United Kingdom by any British subject (whatever may be the domicile of such person at the time of making the same, or at the time of his or her death) shall, as regards personal estate, be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be executed according to the forms required by the laws for the time being in force in that part of the United Kingdom where the same is made (sect. 2); and change of domicile is not to invalidate a will (sect. 3). Nothing in the act contained is to invalidate any will or other testamentary instrument, as regards personal estate, which would have been valid if this act had not been passed, except as such will or other testamentary instrument may be revoked or

altered by any subsequent will or testamentary instrument made valid by this act (sect. 4); and the act is only to extend to wills and other testamentary instruments made by persons who die *after the passing* of the act (sect. 5).

The next act upon the same subject is the 24 & 25 Vict. c. 121, which enacts, that whenever her Majesty shall, by convention with any foreign state, agree that the provisions therein contained shall be applicable to the subjects of her Majesty and of such foreign state respectively, it shall be lawful for her Majesty, by any Order in Council, to direct, and it is thereby enacted, that after the publication of such order in the Gazette, no British subject, resident at the time of his or her death in the foreign country named in such Order, shall be deemed, under any circumstances, to have acquired a domicile in such country, unless such British subject shall have been resident in such country for *one year* immediately preceding his or her decease, and shall also have made, and deposited in a public office of such foreign country (such office to be named in the Order in Council), a declaration in writing of his or her intention to become domiciled in such foreign country; and every British subject dying resident in such foreign country, but without having so resided and made such declaration as aforesaid, shall be deemed for all purposes of testate or intestate succession, as to moveables, to retain the domicile he or she possessed at the time of his or her going to reside in such foreign country as aforesaid (sect. 1).

After any such convention as aforesaid shall have been entered into by her Majesty with any foreign state, it shall be lawful for her Majesty in Council to direct, and from and after the publication of such Order in the London Gazette it shall be and is thereby enacted, that no subject of any such foreign country, who at the time of his or her death shall be resident in any part of Great Britain or Ireland, shall be deemed, under any circumstances, to have acquired a domicile therein, unless such foreign subject shall have been resident within Great Britain or Ireland for one year immediately preceding his or her decease, and shall also have signed and deposited with her Majesty's Secretary of State for the Home Department a declaration in writing of his or her desire to become and be domiciled in England, Scotland, or Ireland, and that the law of the place of such domicile shall regulate his or her moveable succession (sect. 2).

The act is not to apply to any foreigners who may have obtained letters of naturalisation (sect. 3).

After a convention has been entered into with any foreign state, and published in the Gazette, when the subjects of any such foreign state shall die in her Majesty's dominions, and there shall be no person to administer their estates, the consuls, vice-consuls, or consular agents of such foreign states may obtain letters of administration, limited in such manner and for such times as to the court shall seem meet (sect. 4).

An important act was passed for establishing *High courts of judicature in India* (24 & 25 Vict. c. 104), in lieu of the supreme courts and sudder courts in the different presidencies; not less than one-third of the

judges of such courts are to be barristers of not less than *five years'* standing, the rest being judges or pleaders of a certain standing in Indian courts.

Much has been done by the Legislature to prevent the unnecessary profusion of oaths formerly required upon the most trivial occasions. An act has been passed this session which certainly goes a considerable step towards the abolition of oaths altogether. By the 24 & 25 Vict. c. 66, a person, independently of his belonging to any particular sect (such as the Quakers, whose tender consciences with regard to oaths have long since been indulged with immunity from taking them), by affirming that the taking of any oath is, according to his religious belief, unlawful, may thereupon make a solemn affirmation and declaration (sect. 1), the punishment for making a false affirmation being the same as that for perjury (sect. 2).

The act to amend the law relating to *conjugal rights* in Scotland (24 & 25 Vict. c. 86), amongst other provisions, contains some clauses giving a wife *deserted* by her husband power to apply for an order to protect property which she has acquired or may acquire by her own industry, or which she may succeed to, subsequent to such desertion (sects. 1-5). The application, however, can only be made to a Lord Ordinary of the Court of Session, or to the Lord Ordinary on the Rolls, by a mode of procedure which appears to be very cumbersome—very inferior to the clauses of Lord St. Leonards in the Divorce and Matrimonial Causes Act, which we have lately had occasion to comment upon as being themselves susceptible of considerable improvement.

The limitation of *suits by the Crown*, by the 9 Geo. 3, c. 18, was in consequence of certain provisions contained therein not carried out to the extent which justice and equity to the subjects of the Crown demanded. The shortcomings of that act have in a great degree been remedied by the 24 & 25 Vict. c. 62, which provides, that the Crown is not to sue after sixty years, by reason of lands or hereditaments (other than liberties and franchises) having been in *charge to the Crown, or stood insuper* of record, within the said space of sixty years (sect. 1). The provisions of the act are to apply to actions by the Duke of Cornwall (sect. 2). There are provisions also as to the answering of rent to the Crown (sect. 3), and preserving the right of the Crown to reversionary interests (sect. 4); and the act is not to apply to existing suits (sect. 5).

The inconvenience of the present mode of *rotting* at the elections of members of Parliament has often been felt. Stat. 24 & 25 Vict. c. 53, introduces a novelty in our system of voting. It enables the electors of the Universities of Oxford, Cambridge, and Dublin, in lieu of attending personally at elections, to vote at elections for members to serve in Parliament for those Universities by means of *voting papers*. Although the electors of the Universities, in consequence of the non-residence of the greater number of them, have a peculiar claim to have an alteration in their favour of the old mode of voting, still, if the mode of voting by means of papers be found to work well in the Universities, it might, perhaps, be safely extended to other constituencies.

The act to amend the law relating to the *drainage of land for agricultural purposes* (24 & 25 Vict. c. 123) is confined to England, and does not extend to Scotland, Ireland, or to the metropolis, as defined by the 18 & 19 Vict. c. 120. The provisions of the act, which are of great importance, will be carried into effect by means of commissions of sewers issued for certain areas, on the recommendation of the Inclosure Commissioners (sect. 4), to be obtained on the petition of the proprietors, after an investigation by an inspector (sect. 5).

Few sessions, it has been said, are without a *Salmon Fishery Bill*. Last session produced a very important one (24 & 25 Vict. c. 109); it repeals a great variety of acts, commencing with the 13 Edw. 1, stat. 1, c. 47. The act prohibits certain modes of destroying fish (sects. 5-16); lays restrictions as to the time of fishing (sects. 17-23); makes provisions as to fish passes (sects. 23-26); and places very wholesome restrictions upon fishing weirs, by providing for and enforcing the construction therein of free gaps or openings (sects. 27, 28), and laying down rules as to the construction of boxes and cribs (sect. 29), and spur walls (sect. 30), in fishing weirs and fishing mill dams.

The general superintendence of fisheries is vested in the *Home Office*, with power to appoint two inspectors (sect. 31), annual reports from whom are to be laid before Parliament (sect. 32).

*Conservators or overseers* for the preservation of salmon may be appointed by justices at sessions (sect. 33); and any justice of the peace may grant a warrant, on probable cause to suspect a breach of the provisions of the act, to enter suspected places (sect. 34). Provisions are then made for the recovery of penalties (sect. 35), and as to the counties or districts where offences are to be tried (sects. 36, 37).

On the whole, we think that the statutes of last session are far above the usual average with regard to their public utility; and the beginning which has actually been made in the revision of the statute law, by the repeal of obsolete acts, leads us to hope that the time is not far distant when the whole of the public general statutes may be comprised in a few volumes.

### Statistics.

*The Criminal-law Consolidation Statutes of the 24 & 25 Vict. cc. 94 to 190. Edited, with Notes, Critical and Explanatory, by JAMES EDWARD DAVIA, Esq., of the Middle Temple, Barrister-at-Law.*

[London: Butterworths. Hodges, Smith, & Co., Dublin. 1861.]

THIS work is one of a class almost indispensable to every practitioner, in the existing state of the law. The great changes effected by the Criminal-law Consolidation Statutes render imperfect every existing treatise on criminal law, and necessitate a careful study of the new enactments, either from their text alone, or in conjunction with such assistance as is afforded by treatises like the present. The utility of works of this nature being indisputable, the only question, when one presents itself, is to see in what manner the author has fulfilled his task.

We can speak favourably of the labours of Mr. Davis. The book opens with an introduction, in which the general design of the seven acts constituting the subject of it is fully discussed, the necessity for some enactments of the kind clearly shewn, and the advantages and deficiencies of those in question fairly considered. On the first of these subjects Mr. Davis remarks—

“The gradual contraction of capital punishments, and the substitution of transportation for life, and—as a necessary consequence for the preservation of a due distinction in the enormity of offences—a corresponding reduction of offences, previously punishable with transportation for life, to transportation for a term of years; the abolition of transportation for simple larceny and offences punishable as simple larceny; the introduction of penal servitude; and, lastly, the cessation of transportation altogether; had so complicated the statute law that it was a work of considerable difficulty in many cases to ascertain the existing limits of punishment for each offence.

“The crime of horse-stealing may be taken as a fair illustration, and by no means the most complicated. What is the punishment for horse-stealing at this moment—that is to say, before the new acts come into operation? Answer.—Penal servitude for not more than fifteen or not less than three years, or imprisonment not exceeding two years, with or without hard labour. Question.—How is that shewn? Answer.—The 7 & 8 Geo. 4, c. 29, enacts, that if any person shall steal any horse he shall suffer death as a felon. By the 2 & 3 Will. 4, c. 62, the punishment of death was abolished, and transportation for life was substituted, for this and other offences. By the 7 Will. 4 & 1 Vict. c. 90, s. 7, so much of the 2 & 3 Will. 4, c. 62, as related to the punishment of persons convicted of offences for which they were liable under that act to be transported for life, was repealed, and transportation for fifteen or not less than ten years, or imprisonment not exceeding three years, was substituted. Then the 9 & 10 Vict. c. 24, s. 1, enacted, that in all cases where the court was empowered or required to award a sentence of transportation exceeding seven years, it should be lawful to award a sentence of transportation for not less than seven years, or imprisonment not exceeding two years, with or without hard labour. Then, by the 16 & 17 Vict. c. 99, transportation for not less than fourteen years was abolished, and certain sentences of penal servitude authorised instead. Those provisions, however, were repealed by the 20 & 21 Vict. c. 3, s. 1, which abolished transportation, and substituted penal servitude for the same term of years, with a proviso, that in any case in which sentence of seven years' transportation might have been passed, it should be lawful for the court, in its discretion, to pass a sentence of penal servitude of not less than three years. As this proviso applied to horse-stealing, in consequence of the stat. 9 & 10 Vict. c. 24, it follows that the punishment for horse-stealing is penal servitude not exceeding fifteen and not less than three years, or imprisonment not exceeding two years.—Q. E. D.

“To get rid of this long story, by placing the proper sentence in juxtaposition with the particular offence, is no slight benefit conferred by the new statutes, and is, in fact, one of their two leading features, the other being the consolidation and assimilation of the laws for Ireland with those of England, of which both countries will reap the advantage.”

As to the latter (pp. xi, xii)—

“The general reduction in the scale of punishment for certain classes of offence, leaving others in their previous state, causes some apparent paradoxes in the



law. Thus, if three men agree to murder a game-keeper, and make arrangements for that purpose, and even lie in wait for him in his master's woods at night, with fire-arms, and are then discovered and apprehended, their offence is less in the eye of the law than if they went to the same spot for the purpose of killing rabbits, armed with offensive weapons, and ran away the moment the keeper approached. The extreme punishment for the former offence as a conspiracy to murder is, under the 24 & 25 Vict. c. 100, s. 4, ten years' penal servitude; for the latter, as constituting night poaching, fourteen years' penal servitude may be imposed<sup>o</sup>."

And again (pp. xiii, xiv)—

"It is due also to the draftsman to state that efforts have been made to establish a systematic classification—one of the great stumbling-blocks in legislative as well as natural science. This has led in one instance to the separation, into different statutes, of the same offence, arising from different motives. By the 14 & 15 Vict. c. 19, s. 6, the wilfully and maliciously placing wood or stones on railways, or displacing rails or turning-points, with intent to obstruct, upset, or destroy any engine, &c., or to endanger the safety of any person, was made a felony. The new Malicious Injuries Act, 24 & 25 Vict. c. 97, s. 35, confines the offence to the former branch—the intent to obstruct the property; and then a corresponding section is introduced into the act relating to offences against the person (24 & 25 Vict. c. 100, s. 32) to meet the other intent. Still, as the overt act is the same, the two provisions must, for practical purposes, be considered together, and every indictment for a felonious obstruction ought to contain counts to meet either intent."

Coming to the body of the work, we find that it contains the seven acts for consolidating and amending the statutable criminal law which were passed at the end of the recent session of Parliament, viz. the 24 & 25 Vict. cc. 94, 95, 96, 97, 98, 99, 100. These statutes, together with their marginal notes, are set out verbatim, while to each section a note is appended stating whether the provisions contained in it are new, and, if not, on what former enactments they are based; also whether the offences in it are triable at quarter sessions; and in many instances a summary of the pre-existing law on the subject, as established by decided cases. Perhaps this part of the work might have been enlarged with advantage.

Instances are also pointed out of important doubts likely to arise on particular sections. Thus, the 24 & 25 Vict. c. 96, s. 51, enacts—

"Whoever shall enter the dwelling-house of another with intent to commit [any] felony [therein], or being in such dwelling-house shall commit any felony [therein], and shall in either case break out of the said dwelling-house in the night, shall be deemed guilty of burglary."

And the next section (the 52nd)—

"Whoever shall be convicted of the crime of burglary shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement."

\* "It is right to state that the apparent anomaly in this particular instance does not originate, so far as England is concerned, with the recent statute, for hitherto conspiracy to murder has there been only a common-law misdemeanour. The statutable offence (capital in Ireland) has been now extended to England as a misdemeanour, and the punishment reduced as stated in the text."

In commenting on this latter section Mr. Davis remarks—

"The punishment for burglary remains the same as heretofore; but a question of some practical importance arises on this part of the act. The common-law offence of burglary—viz. the breaking and entering a dwelling-house in the night-time with intent to commit a felony—is not dealt with except for the purpose of stating the punishment; so that apparently all the ingredients of the offence remain untouched; and before the stat. 7 Will. 4 & 1 Vict. c. 86, nice questions arose as to whether the offence was committed in the night-time, for if it were done after dawn, or in the twilight, when there was light enough to 'see a man's face,' the crime did not amount to burglary. The 7 Will. 4 & 1 Vict. c. 86, s. 4, enacted, 'that, so far as the same is essential to the crime of burglary, the night shall be considered and is hereby declared to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.' This statute is now repealed, and the only substitution for this provision is contained in the interpretation clause of the present act, that, 'for the purposes of this act, the night shall be deemed to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.' The word 'night,' however, is not to be found in the act in reference to the common-law offence of burglary, but only in connexion with the statutable offence of breaking out of the house. It is therefore open to contention that the old law, as to what constitutes night, obtains in reference to the offence of breaking into a house. Perhaps the objection may be met by expanding the word 'burglary' to its legal definition of 'breaking into a house by night,' and so reading the section as including the word 'night.'"

It only remains to add, that between the body of the work and the Index are two useful tables, of which no notice is found in the title-page, namely—

1. "A Table of Indictable Offences under the new Criminal and Bankruptcy Law Consolidation Acts, with References to the present and former Acts, and the Punishment provided for each Offence."

2. "A Table of Summary Convictions under the new Criminal-law Consolidation Acts."

## BOOKS RECEIVED.

A Treatise on the Criminal Law of the Navy, with an Introductory Chapter on the Early State and Discipline of the Navy; and an Appendix, comprising the Naval Discipline Act, the Queen's Regulations on Courts-martial and Discipline, and practical Forms. By Theodore Thring, of the Middle Temple, Barrister-at-Law.—V. & R. Stevens & Sons. 1861.

The Criminal-law Consolidation Statutes of the 24 & 25 Vict. cc. 94–100. Edited, with Notes, Critical and Explanatory, by James Edward Davis, Esq., of the Middle Temple, Barrister-at-Law.—Butterworths, London; Hodges, Smith, & Co., Dublin. 1861.

The new library of the Middle Temple was opened on Thursday, the 31st ult., by the Prince of Wales, with much form and pomp. Previous to the ceremony, a parliament of the Masters of the Bench was held, at which his Royal Highness was admitted a student of the Inn, was called to the outer Bar, and finally invited to the Bench.

## GRAND JURIES.

At the last session of the Central Criminal Court, when the grand jury came into the court to be discharged, the foreman, addressing the Recorder, said he had a suggestion to make, with all respect to the court, by which he felt convinced the labours of grand juries would be much lightened, and more speedily and efficiently brought to a termination. He need scarcely remind his Lordship that the grand juries were generally men of business, and not acquainted with the technicalities of the law, and when, as in the case of one of the bills which he then presented, much time was taken up with long technicalities before they arrived at the precise charge, the jurors had the greatest difficulty in coming to their decision. The suggestion he had to make was, that each bill of that character should be accompanied by a summary of the precise charge, to enable them the more readily to understand the documents now presented in extenso. At the same time, the jurors begged to express their warmest thanks to the officers of the indictment office for the great and ready assistance they had rendered to them.

The Recorder said the suggestion was a very proper one, and should receive every attention in the proper quarter. After thanking them for their services, the learned Recorder discharged them from further attendance.

## JUVENILE OFFENDERS.

In a recent charge to the grand jury at the Birmingham Quarter Sessions, the recorder, M. D. Hill, Esq., Q. C., said that a report had reached him from a neighbouring county to the effect that upon an investigation, case by case, of the large number of juvenile prisoners found in the gaols at the present time—and the gentlemen who made the inquiry were fully qualified, from their habits and position, though their minds revolted at the conclusion arrived at—the majority of the parents of the young prisoners were glad to find themselves, at this time of pressure, relieved from the expense of maintenance of their offspring, by knowing that they were in prison. The Reformatory Schools Act guarded against a similar temptation on the minds of parents whose children were sent to a reformatory, by requiring them to contribute to the support of their children. Although there were technical difficulties in working the act as passed at first, yet they had now been remedied; and the greater difficulty—the reluctance of magistrates to make the necessary orders—had also, to a large extent, been overcome, and he was of opinion the law was working well. It might not be proper in him to throw out the suggestion he was about to do at present, but he thought that while the parent was called upon to contribute to the support of his child in a reformatory school, he should also be called upon to contribute to his support in prison. The suggestion might be a new one, and one on which there might be diversity of opinion, but he felt sure that the subject would receive their candid attention: whether it would receive their approval was another matter.

COUNTY COURT CIRCUIT, No. 31.—H. R. Bagshawe Esq., Q. C., has been appointed judge of this circuit in lieu of John Johnes, Esq., resigned.

MEMBER RETURNED TO SERVE IN PARLIAMENT.—Walter Morrison, Esq., for the borough of Plymouth, in the room of William Henry Edgecumbe (commonly called Viscount Valletort), now a Peer of the United Kingdom.

## COURT OF ERROR, EXCHEQUER CHAMBER.

ERRORS FROM THE COURT OF QUEEN'S BENCH, MICHAELMAS TERM, 1861.

Those marked thus \* are Appeal Cases, and thus † Errors.

## FOR JUDGMENT.

Archer v. James  
Harwood v. Great Northern  
Railway Co.

## FOR ARGUMENT.

\*Jolly v. Wimbledon and Dor-  
king Railway Co.  
\*Potter v. Faulkner  
\*Gross v. Farquhar  
\*Fletcher v. Trotman

†London, Brighton, and  
South-coast Railway Co.  
v. Harrison  
\*Thompson & ora. v. North-  
eastern Railway Co.  
\*Wright v. Wilkin  
†Dutton v. Powles  
\*Laverach v. Johnson  
\*Smith v. Bonella  
\*Bamford v. Turnley  
†Cobbett, exor. v. Wheeler  
& ora.

\*. \* Tuesday and Wednesday, the 26th and 27th November, are the days fixed by the Judges.

NEWSON HART, Cransford, Suffolk, farmer (now a prisoner in Ipswich Gaol), Nov. 19 at half-past 3, London: Off. Ass. Edwards; Sols. Moseley, Framlingham, Suffolk; Moseley & Co., 9, Old Jewry-chambers, London.—Pet. f. Oct. 30.

JAMES FISHER and JAMES M'LEAN, Reigate, Surrey, builders, Nov. 12 at 2, and Dec. 10 at 12, London: Off. Ass. Edwards; Sol. Poole, 58, Bartholomew-close, London.—Pet. f. Sept. 16.

WILLIAM HARRINGTON, Gloucester, wine merchant, Nov. 12 at 12, Bristol: Off. Ass. Acraman; Sols. Abbot & Co., Bristol; Scott, 4, Skinner-street, Snow-hill, London.—Pet. f. Oct. 17.

JONATHAN HARDAKER, Leeds, woollen-cloth manufacturer, Nov. 12 at 11, Leeds: Off. Ass. Hope; Sol. Simpson, Leeds.—Pet. f. Oct. 28.

JOHN BARKER, Horsforth, Yorkshire, cloth manufacturer, Nov. 14 at 11, Leeds: Off. Ass. Hope; Sol. Carless, Leeds.—Pet. f. Oct. 31.

ROBERT LATHAM COLLEY, Barnsley, Yorkshire, provision dealer, Nov. 13 at 11, Leeds: Off. Ass. Hope; Sols. Newman & Son, or Bond & Barwick, Leeds.—Pet. f. Oct. 29.

DAVID NUTCHEY, Beverley, Yorkshire, land surveyor, Nov. 14 at 11, Leeds: Off. Ass. Hope; Sol. Carless, Leeds.—Pet. f. Oct. 31.

JOHN ATKINS LONG, Wakefield, Yorkshire, schoolmaster, Nov. 14 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. f. Oct. 31.

JOHN LAYCOCK the younger, Leeds, cloth fuller, Nov. 14 at 11, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. f. Oct. 31.

WILLIAM WILD and JAMES BOWKER, Bury, Lancashire, cotton manufacturers (carrying on business under the style or firm of Wild & Bowker), Nov. 12 at 12, Manchester: Off. Ass. Hernaman; Sols. Slater & Myers, Manchester.—Pet. f. Oct. 25.

ROBERT WADE, Church, Lancashire, joiner, Nov. 11 at 12, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Pet. f. Oct. 28.

THOMAS RIVETT, Stockport, Cheshire, cotton yarn doubler, Nov. 15 at 12, Manchester: Off. Ass. Hernaman; Sols. Earle & Co., Manchester.—Pet. f. Oct. 21.

RALPH MANSFIELD, Manchester, lithographer, Nov. 13 at 12, Manchester: Off. Ass. Fraser; Sol. Heywood, Manchester.—Pet. f. Oct. 30.

WILLIAM PEARSON, Manchester, baker, Nov. 12 at 12, Manchester: Off. Ass. Pott; Sol. Hewitt, Manchester.—Pet. f. Oct. 29.

GEORGE UPTON, Manchester, plumber (carrying on business under the style or firm of Upton & Crosby), Nov. 14 at 12, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Pet. f. Oct. 31.

GEORGE CARTWRIGHT, Wolverhampton, Staffordshire, butcher, Nov. 13 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Oct. 29.

WILLIAM WILLISON, Stamford, Lincolnshire, printer, Nov. 14 at 11, Nottingham: Off. Ass. Harris; Sols. French, Stamford; Brewster, Nottingham.—Pet. f. Oct. 18.

**ALEXANDER BERTRAM**, Newcastle-upon-Tyne, cheese factor, Nov. 13 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Potts & Soudsbick, Sunderland.—Pet. f. Oct. 23.

**PHILIP MARKS**, Amblescote, Oldswinford, Staffordshire, schoolmaster, Nov. 13 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. f. Oct. 29.

**HENRY GOULDER** the younger, Kimberley, Nottinghamshire, bricklayer (now a prisoner in Nottingham Gaol), Nov. 14 at 11, Nottingham: Off. Ass. Harris; Sols. Cowley & Everall, Nottingham.—Pet. f. Oct. 31.

**JOHN LAMB**, Nottingham, general clothier, Nov. 12 at 11, Nottingham: Off. Ass. Harris; Sol. Maples, Nottingham.—Pet. f. Oct. 26.

**THOMAS ALLWOOD**, Nottingham, farmer, Nov. 12 at 11, Nottingham: Off. Ass. Harris; Sols. Cowley & Everall, Nottingham.—Pet. f. Oct. 29.

**WILLIAM THOMAS POWELL**, Tenbury, Worcestershire, and Knight, Radnorshire, draper, Nov. 11 and Dec. 2 at 11, Birmingham (and not London, as previously advertised): Off. Ass. Kinnear; Sol. Bridges, Birmingham.—Pet. d. Oct. 10.

**ROBERT WILDE**, Ruyton of the Eleven Towns, Shropshire, tailor, Nov. 14 at 11, Oswestry: Off. Ass. Croxon; Sol. Chandler, Shrewsbury.—Pet. f. Oct. 18.

**JOSEPH CLARKE**, Oswestry, Shropshire, fruiterer, Nov. 14 at 12, Oswestry: Off. Ass. Croxon; Sol. Bull, Oswestry.—Pet. f. Oct. 23.

**JAMES DEAN**, Chester, out of business, Nov. 9 at 12, Chester: Off. Ass. Wason; Sol. Cartwright, Chester.—Pet. f. Oct. 23.

**THOMAS SMITH**, Spennymoor, Durham, joiner, Nov. 12 at 10, Bishop Auckland: Off. Ass. Trotter; Sol. Brignall, Durham.—Pet. f. Oct. 29.

**JOHN NICHOLSON**, Chester-le-Street, Durham, publican, Nov. 12 at 10, Durham: Off. Ass. Bramwell; Sol. Marshall, Claypall, Durham.—Pet. f. Oct. 29.

**JOHN NREDDHAM**, Potterhamworth, Lincolnshire, licensed victualler, Nov. 11 at 12, Lincoln: Off. Ass. Uppleby; Sols. Brown & Son, Lincoln.—Pet. f. Oct. 28.

**DAVID ROBINSON**, Lincoln, joiner, Nov. 14 at 10, Lincoln: Off. Ass. Uppleby; Sols. Brown & Son, Lincoln.—Pet. f. Oct. 31.

**THOMAS HENRY BATES**, Walsall, Staffordshire, coal dealer, Nov. 12 at 12, Walsall: Off. Ass. Clarke; Sol. Dalgman, Walsall.—Pet. f. Oct. 29.

**GEORGE KING**, Sheffield, beer-house keeper, Nov. 14 at 12, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Oct. 25.

**WILLIAM APPLEYARD**, Sheffield, fishmonger, Nov. 14 at 12, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Oct. 25.

**JOHN SHARP**, Sheffield, tool-maker, Nov. 14 at 12, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Oct. 25.

**JOHN DEAN NEWCOMBE**, Liverpool, solicitor, Nov. 13 at 2, Liverpool: Off. Ass. Hime; Sol. Husband, Liverpool.—Pet. f. Oct. 30.

**EDWARD WILLIAM MEREDITH**, Hulme, Lancashire, Nov. 12 at 10, Salford: Off. Ass. Hulme; Sol. Dawson, Manchester.—Pet. f. Oct. 28.

**RACHAEL CLEGG**, Freetown, Bury, Lancashire, grocer, Nov. 20 at 11, Bury: Off. Ass. Grundy; Sol. Watson, Bury.—Pet. f. Oct. 30.

**ELIZA CROSBY**, Hazel's-cottage, near Prescott, Lancashire, out of business, Nov. 13 at 11, St. Helen's: Off. Ass. Ansdell; Sol. Anderson, Liverpool.—Pet. f. Oct. 30.

**JOHN HUTCHINSON GALLAHER**, Hazel's-cottage, near Prescott, Lancashire, elster, Nov. 13 at 11, St. Helen's: Off. Ass. Ansdell; Sol. Anderson, Liverpool.—Pet. f. Oct. 30.

**JANE COLE**, St. Leonard's, Devonshire, and St. Martin's, Exeter, hostler, Nov. 15 at 11, Exeter: Off. Ass. Daw; Sol. Flout, Exeter.—Pet. f. Oct. 31.

**JOSEPH SCHOFIELD**, Oak, Holham, Oldham, Lancashire, farmer, Nov. 23 at 12, Oldham: Off. Ass. Sumner-scales; Sol. Ascroft, Oldham.—Pet. f. Oct. 25.

**THOMAS NEWBON** the younger, Longton, Stoke-upon-Trent, Staffordshire, builder (now a prisoner in Stafford Gaol), Nov. 12 at 4, Stoke-upon-Trent: Off. Ass. Henry; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Oct. 22.

**THOMAS WALWORTH**, Manchester, baker, Dec. 20 at 12, Manchester: Off. Ass. Kay.—Pet. f. Oct. 24.

**CHARLES LINES**, Hollington, Staffordshire, licensed victualler, Nov. 11 at 11, Cheddre: Off. Ass. David; Sol. Tenant, Hanley.—Pet. f. Oct. 23.

#### MISSUSSES.

*William Bond* the younger, Poole, corn merchant, Nov. 23 at 12, London, pr. d.—*John Peoley*, Liverpool, and Peterborough, Northamptonshire, contractor, Nov. 12 at 11, Liverpool, pr. d.—*J. Goodchild*, High-street, Shoreditch, Middlesex, ham and beef dealer, Nov. 29 at 2 London, last ex.—*William Curtis*, Sarratt, Hertfordshire, rag cutter, Dec. 5 at 1, London, last ex.—*Robert Cowtan*, Lyon-street, Caledonian-road, Middlesex, grocer, Dec. 5 at 11, London, last ex.—*Jas. Northorpe*, Claremont-terrace, Wandsworth-road, Surrey, flour factor, Dec. 6 at half-past 1, London, last ex.—*William Howard Dod*, Rayner-street, Goswell-street, Clerkenwell, and Great James-street, Bedford-row, Holborn, Middlesex, saddler, Nov. 29 at half-past 1, London, last ex.—*Joseph Ullmann*, Great Russell-street, Bloomsbury, Middlesex, and Walbrook, City, merchant, Nov. 29 at half-past 12, London, last ex.—*Joseph Christopher Leaver*, Shepherd's-bush, Middlesex, shipbroker, Nov. 28 at half-past 1, London, last ex.—*Wm. Welling*, Clapstone-street, Fitzroy-square, Middlesex, oilman, Nov. 28 at half-past 11, London, last ex.—*W. Armstrong*, Eastcheap, City, dealer in colonial produce, Nov. 28 at 11, London, last ex.—*Thomas Pearson Heeketh*, Newman-row, Lincoln's-inn-fields, Middlesex, Nov. 28 at half-past 2, London, last ex.—*George Michael Glass* the elder, Brandon-street, Walworth, Surrey, chemist, Nov. 23 at half-past 12, London, last ex.—*Henry Cato Stearn*, Lambeth-walk, Surrey, cheesemonger, Nov. 22 at 2, London, last ex.—*Charles Thomas Ingram*, Gloucester-street, Pimlico, Middlesex, merchant, Nov. 29 at half-past 11, London, last ex.—*John Euden*, Ely, Cambridgeshire, bailder, Nov. 22 at half-past 1, London, last ex.—*Jas. Evermett*, High-street, Poplar, Middlesex, corn dealer, Dec. 6 at 12, London, last ex.—*Elizabeth Willard Worman*, widow, Old Charlton, Kent, Nov. 29 at 1, London, last ex.—*Joseph Lovegrove*, Vicarage-place, Kensington, Middlesex, surgeon, Dec. 6 at 12, London, last ex.—*Thomas Griffiths*, Park-street, Southwark, out of business, Dec. 6 at half-past 12, London, last ex.—*Geo. Samuel Jalous*, Strand, Middlesex, manager to a printer, Nov. 29 at 1, London, last ex.—*Nicholas William Gibson*, Austin-fiers, City, shipbroker, Nov. 29 at 11, London, last ex.—*James Preston*, Kingsland-road, Middlesex, tobaccoist, Nov. 16 at 12, London, last ex.—*William Dobson*, Old Goswell-lane, St. George-in-the-East, Middlesex, builder, Dec. 4 at 12, London, last ex.—*James Mason*, Ware, Hertfordshire, maltster, Nov. 27 at half-past 2, London, last ex.—*Robert Hicks*, Mortimer-street, Cavendish-square, Middlesex, and Lewisham, Kent, estate agent, Nov. 27 at 2, London, last ex.—*Thomas Reynolds*, Henry-street, Pentonville, Middlesex, hostler, Dec. 4 at half-past 11, London, last ex.—*Frederick Sanderson*, Dublin, Ireland, and Tottenham-street, Fitzroy-square, Middlesex, coachmaker, Nov. 18 at 1, London, last ex.—*Lambert Wolmar Kretschmer*, Duke-street, Bloomsbury, Middlesex, manufacturing jeweller, Nov. 13 at half-past 12, London, last ex.—*Mark Warren*, Shoreditch, Middlesex, haberdasher, Nov. 14 at 2, London, last ex.—*Henry Weston*, Eastwood, Nottinghamshire, dealer in small wares, Dec. 5 at 11, Nottingham, last ex.—*Richard Wright*, Birmingham, polisher, Dec. 5 at 11, Birmingham, last ex.—*Wm. Gornley*, Manchester, nail manufacturer, Dec. 4 at 12, Manchester, last ex.—*Thos. Bell* and *John Wiseman*, Sunderland, Durham, grocers, Nov. 13 at 12, Newcastle-upon-Tyne, and ac.—*Henry Austin*, Bermondsey-street, Bermondsey, Surrey, manufacturing chemist, Nov. 23 at 11, London, div.—*Wm. Morris*, Long-lane, Bermondsey, Surrey, leather dresser, Nov. 23 at 12, London, div.—*John Ashdown*, Postland-terrace, Malden-road, Kentish-town, Middlesex, draper, Nov. 23 at half-past 11, London, div.—*John Large*, Upton, Berkshire, cattle salesman, Nov. 23 at half-past 12, London, div.—*John Shaw Walker*, West Bromwich, Staffordshire, licensed victualler, Nov. 29 at 11, Birmingham, div.—*John Stewart*, Preston, Lancashire, ironfounder, Nov. 25 at 12, Manchester, second and 2nd. div.

#### CERTIFICATES.

To be allowed, unless cause be shown to the contrary on or before the Day of Meeting.

Alfred Aubert and Champney Powell, St. Mary-axe.

City, shipbrokers, Dec. 5 at 2, London.—*Stephen Bacon*, Northampton-place, Old Kent-road, Surrey, coal merchant, Nov. 27 at 3, London.—*Thomas Hird*, Burnley, Lancashire, timber merchant, Nov. 27 at 12, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Henry Hanson Hanson*, Watford, Hertfordshire, contractor.—*Manuel Leopold Jonas Leaster*, Strand, Middlesex, India-rubber manufacturer.—*Benjamin Carman* and *Robert Bailey*, Harwich, Essex, cabinet makers.—*Robert Patch*, Lewisham, Kent, grocer.—*Richard Field the elder*, Chastleton, Oxfordshire, and *Moreton-in-the-Marsh*, Gloucestershire, corn dealer.—*George Woolford*, Lydiard Millicent, Wiltshire, butcher.

#### SCOTCH SEQUESTRATIONS.

*John Pillans*, deceased, Hamilton, spirit merchant.—*John Henderson*, Glasgow, carter.—*Lindsay Berry*, Maryhill, saddler.—*Alexander M'Tavish*, deceased, Kiells, North Knapdale, Argyllshire, farmer.—*Alexander Forbes*, Rangag, Letherton, Caithness-shire, farmer.—*Caldwell, Parker, & Co.*, Linwood, near Paisley, calico printers.—*W. Giffen*, Mearns, horse-dealer.—*Samuel Willet*, Dumfries, wood merchant.

#### TUESDAY, Nov. 5.

##### BANKRUPTS.

*WILLIAM WINNIETT*, Chapel-place, Cavendish-square, Middlesex, captain in the 2nd battalion of her Majesty's 24th Regiment of Foot, Nov. 18 at half-past 12, London: Off. Ass. Bell; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. Nov. 2.

*MICHAEL DUFFY*, Wapping-wall, Shadwell, Middlesex, beer-house keeper (now a prisoner in Whitecross-street Prison), Nov. 18 at 12, London: Off. Ass. Bell.—Pet. f. Nov. 1.

*HENRY NODES*, Chelsea, Middlesex, undertaker; Nov. 20 at half-past 12, London: Off. Ass. Johnson; Sol. Clarke, 1, Stanley-place, Paddington-green.—Pet. f. Nov. 1.

*ALEXANDER COHEN*, New-street, Gravel-lane, Houndsditch, City, marine-store dealer, Nov. 18 at 11, London: Off. Ass. Johnson; Sol. Levy, 29, Henrietta-street, Covent-garden.—Pet. f. Nov. 1.

*JAMES HOLROYD*, Basinghall-street, City, warehouseman (trading under the style or firm of Holroyd, Brothers, & Co.), Nov. 20 at 2, London: Off. Ass. Cannan; Sols. Reed, 3, Gresham-street, London; Sale & Co., Manchester.—Pet. f. Oct. 25.

*THOMAS BENHAM*, Aldershot, Southampton, baker, Nov. 20 at half-past 1, London: Off. Ass. Cannan; Sol. Pattison, 13, Fursival's-inn.—Pet. f. Nov. 1.

*EDWARD DAVIES*, Townshend-road, St. John's-wood, Middlesex, boot maker, Nov. 20 at 1, London: Off. Ass. Cannan; Sol. Strangways, 10, King's-road, Bedford-row.—Pet. f. Nov. 1.

*JOHN LADD*, Turner's-road, Limehouse, Middlesex, builder (now a prisoner in Whitecross-street Prison), Nov. 20 at 10, London: Off. Ass. Cannan.—Pet. f. Oct. 31.

*JAMES SUTHERLAND MENZIES*, Kilburn, Middlesex, private tutor (now a prisoner in Whitecross-street Prison), Nov. 19 at 3, London: Off. Ass. Cannan.—Pet. f. Oct. 31.

*SAMUEL SHICKELL*, Blackman-street, Southwark, Surrey, licensed victualler (now a prisoner in the Queen's Prison), Nov. 20 at 3, London: Off. Ass. Cannan.—Pet. f. Nov. 1.

*HENRY MORT PRIST*, Cleveland-cottage, Sutton, Surrey, newspaper reporter, Nov. 19 at half-past 1, London: Off. Ass. Cannan; Sol. Peverley, 19, Coleman-street, London.—Pet. f. Oct. 30.

*BERNHARD BERENZ*, Southampton-street, Camberwell, Surrey, brush manufacturer, Nov. 18 at 1, London: Off. Ass. Cannan; Sols. Mason & Co., 7, Gresham-street.—Pet. f. Nov. 2.

*ISAAC LEWIS*, Langton-place, Camberwell, Surrey, baker, (now a prisoner in the County Gaol of Surrey), Nov. 20 at half-past 2, London: Off. Ass. Cannan; Sol. Munday, 5, Fountain-court, Strand.—Pet. f. Oct. 20.

*JOHN GEORGE*, Providence-buildings, New Kent-road, Surrey, baker, Nov. 23 at 3, London: Off. Ass. Pennell; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. Oct. 31.

*HENRY GIBBONS*, Chesham, Buckinghamshire, chemist; Nov. 18 at half-past 1, London: Off. Ass. Cannan; Sol. Wellborne, 17, Duke-street, London-bridge.—Pet. f. Nov. 2.

*GEORGE RICHARDS*, Billingsgate-market, City, and Skinner-street, Euston-road, Middlesex, fish salesman, Nov. 28 at half-past 1, London: Off. Ass. Pennell; Sol. Heyden, 8, Serle-street, Lincoln's-inn, London.—Pet. f. Oct. 31.

*WILLIAM STOTEN*, Backchurch-lane, St. George-in-the-East, Middlesex; baker; Nov. 28 at half-past 11, London: Off. Ass. Pennell; Sol. Spiller, 3, South-place, Finsbury, Middlesex.—Pet. f. Nov. 2.

*CHARLES WILLIAMS BROWN*, Lewisham-road, Greenwich, Kent, clerk in her Majesty's Dockyard, Deptford, Nov. 28 at 10, London: Off. Ass. Pennell; Sols. Courtenay & Croome, 9, Gracechurch-street, London.—Pet. f. Nov. 1.

*PHILIP BASTARD PEEK*, Drummood-street, St. Pancras, Middlesex, commercial traveller (now a prisoner in Whitecross-street Prison), Nov. 28 at 12, London: Off. Ass. Pennell.—Pet. f. Nov. 1.

*JOHN HENRY WELCHMAN*, Upper Stamford-street, Surrey, general agent (now a prisoner in the Queen's Prison), Nov. 28 at 2, London: Off. Ass. Pennell.—Pet. f. Oct. 31.

*ROBERT EDEN HOPE*, Mark-lane, City, oil merchant (trading under the firm of Hope, Heath, & Co., now a prisoner in the Queen's Prison), Nov. 28 at 1, London: Off. Ass. Pennell.—Pet. f. Oct. 31.

*RICHARD DEACON DODGE* (sued as B. D. Dodge), St. Thomas-street, Southwark, Surrey, commercial traveller (now a prisoner in Whitecross-street Prison), Nov. 28 at half-past 12, London: Off. Ass. Pennell.—Pet. f. Oct. 30.

*CHARLES ROE*, Roydon, Essex, schoolmaster, Nov. 28 at half-past 2, London: Off. Ass. Pennell; Sol. Batchelor, 1, Guildhall-chambers, Basinghall-street, London.—Pet. f. Nov. 4.

*CHARLES COWDERY*, Upper King-street, Bloomsbury, Middlesex, licensed victualler (now a prisoner in Whitecross-street Prison), Nov. 29 at 10, London: Off. Ass. Pennell.—Pet. f. Oct. 31.

*JAMES MOSS SPERLING*, St. John's-hill, Wandsworth, and Wurttemberg-street, the Grove, Clapham, Surrey, of no occupation (now a prisoner in Whitecross-street Prison), Nov. 28 at 3, London: Off. Ass. Pennell.—Pet. f. Oct. 30.

*JAMES SCRAGGS*, Watford, Hertfordshire, draper (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 28 at 10, London: Off. Ass. Pennell.—Pet. f. Nov. 2.

*SAMUEL FRANCIS HOOPEE*, Bernard-street, Bloomsbury, Middlesex, commission agent (now a prisoner in Whitecross-street Prison), Nov. 19 at 12, London: Off. Ass. Graham.—Pet. f. Oct. 31.

*WILLIAM HENRY CHAPMAN*, Garway-road, Westbourne-grove, Middlesex, livery-stable keeper, Nov. 16 at half-past 11, London: Off. Ass. Graham; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. Nov. 1.

*GEORGE GREEN*, Hertford, upholsterer, Nov. 19 at 11, London: Off. Ass. Graham; Sols. Longmore & Co., Hertford; Mason & Co., 7, Gresham-street, London.—Pet. f. Nov. 4.

*WILLIAM SIMMONDS*, Little Peter-street, Westminster, bricklayer, Nov. 19 at half-past 12, London: Off. Ass. Graham; Sols. Howard & Co., 66, Paternoster-row, London.—Pet. f. Nov. 1.

*HENRY ALBERT BALL*, South Island-place, Brixton-road, Surrey, dairymen (now in the Debtors Prison for London and Middlesex), Nov. 19 at half-past 11, London: Off. Ass. Stansfeld.—Pet. f. Nov. 29.

*HENRY GARRET*, Upper North-place, Gray's-inn-road, Middlesex, attorney's clerk, Nov. 15 at 11, London: Off. Ass. Stansfeld.—Pet. f. Nov. 1.

*ERCOLE MECATH*, Brighton, Sussex, professor and teacher of singing, Nov. 23 at half-past 12, London: Off. Ass. Edwards; Sols. Lewis & Lewis, Ely-place, London.—Pet. f. Nov. 1.

*HENRY ADEANE* and *WILLIAM BAKER*, Robert-street and Stanhope-street, Hampstead-road, Middlesex, iron bedstead makers (lately carrying on business under the style or firm of Adeane & Baker, and now prisoners in Whitecross-street Prison), Nov. 23 at 1, London: Off. Ass. Edwards; Sols. Denton & Hall, 15, Gray's-inn-square, London.—Pet. f. Nov. 1.

- HENRY TUSON**, Cottage-place, Salmon's-lane, Limehouse, printer, and parish clerk of St. Amie's, Limehouse (carrying on business at Suffolk-place, Commercial-road East, Middlesex), Nov. 16 at 12, London: Off. Ass. Stansfeld; Sol. Rushbury, 32, Coleman-street, London.—Pet. f. Nov. 2.
- CHRISTOPHER STORRY**, Winchester, Southampton, mess master, Nov. 22 at 12, London: Off. Ass. Edwards; Sol. Shiers, 5, New-inn, Strand, London.—Pet. f. Nov. 1.
- WILLIAM GEORGE BARTLETT HARBORD**, Tooley-street, Southwark, Surrey, shipchandler, Nov. 26 at 10, London: Off. Ass. Edwards; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Nov. 2.
- CHARLES WRAY LEWIS**, Barnes, Surrey, barrister-at-law, Nov. 22 at half-past 2, London: Off. Ass. Edwards; Sol. Oldrewe, 38, Bolsover-street, Portland-place, London.—Pet. f. Nov. 1.
- ISAAC FISH**, Rutland-street, South Lambeth, Surrey, clerk in the Parliamentary Counsel Office, Nov. 26 at half-past 10, London: Off. Ass. Edwards; Sol. Hare, 19, Crescent, Jewin-street, London.—Pet. f. Nov. 2.
- WILLIAM FOSTER SMITH**, Coventry-street, Haymarket, Middlesex, hosier, Nov. 26 at half-past 11, London: Off. Ass. Edwards; Sol. Innes, 20, Billiter-street, London.—Pet. f. Nov. 4.
- JAMES GEORGE PICKERING**, Ridley-road, Dalston, Middlesex, gentleman (now a prisoner in Whitecross-street Prison), Nov. 26 at 3, London: Off. Ass. Edwards; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Nov. 4.
- SOLOMON DAVIS**, St. George's-street, St. George-in-the-East, Middlesex, corn dealer, Nov. 26 at half-past 3, London: Off. Ass. Edwards; Sol. Levy, 29, Henrietta-street, Covent-garden, London.—Pet. f. Nov. 4.
- THOMAS BARKER**, Reigate, Surrey, tailor, Nov. 26 at half-past 11, London: Off. Ass. Edwards; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Nov. 5.
- FRANCIS HEWER**, Hereford, butcher, Nov. 19 at 1, Hereford: Off. Ass. Kinnear; Sols. Underwood, Hereford; E. & H. Wright, Birmingham.—Pet. f. Oct. 29.
- SAMUEL DAY and JOSEPH THOMAS THACKRAY**, Fenton, Stoke-upon-Trent, Staffordshire, plumbers, Nov. 15 at 11, Birmingham: Off. Ass. Kinnear; Sols. Litchfield, Newcastle, Staffordshire; James & Knight, Birmingham.—Pet. f. Nov. 1.
- WILLIAM BURGESS**, Hanley, Staffordshire, wholesale grocer, Nov. 16 at 11, Birmingham: Off. Ass. Kinnear; Sols. Hodgson & Allen, Birmingham; Tenant, Hanley, Staffordshire.—Pet. f. Nov. 2.
- WILLIAM SMITH** the younger, Longton, Staffordshire, grocer, Nov. 16 at 12, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham; Litchfield, Newcastle, Staffordshire.—Pet. f. Nov. 2.
- CHARLES DAVIS**, Bath, Somersetshire, upholsterer, Nov. 15 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol; Digby & Sharp, Circus-place, Finsbury-circus, London.—Pet. f. Oct. 29.
- NICHOLAS LOMAS HIORNS**, Exmouth, Devonshire, stationer, Nov. 20 at 12, Exeter: Off. Ass. Hirtzel; Sols. Floud, Exeter; Crosby, 3, Church-court, Old Jewry, London.—Pet. f. Oct. 22.
- HENRY JOHNS**, Camborne, Cornwall, shoe dealer, Nov. 16 at 12, Exeter: Off. Ass. Hirtzel; Sols. Yewans, Camborne; Turner & Hirtzel, Exeter.—Pet. f. Nov. 4.
- JOHN NBALB**, Doncaster, Yorkshire, wholesale druggist, Nov. 15 at 11, Leeds: Off. Ass. Young; Sol. Clarke, Leeds.—Pet. f. Nov. 1.
- STEPHEN NICHOLSON**, Leeds, Yorkshire, solicitor, Nov. 16 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. f. Nov. 2.
- CHRISTOPHER SMITH**, Huddersfield, Yorkshire, commission agent, Nov. 18 at 11, Leeds: Off. Ass. Young; Sols. Field, York; Simpson, Leeds.—Pet. f. Nov. 4.
- HENRY WESTENHOLM**, Sheffield, cutlery manufacturer, Nov. 16 at 11, Sheffield: Off. Ass. Young; Sol. Fernell, Sheffield.—Pet. f. Nov. 2.
- LUKE FRITH BINGHAM**, Bakewell, Derbyshire, auctioneer, Nov. 16 at 11, Sheffield: Off. Ass. Young; Sols. Smith & Burdekia, Sheffield.—Pet. f. Nov. 2.
- THOMAS AUSTWICK**, Monk Fryston, Yorkshire, farmer, Nov. 15 at 11, Leeds: Off. Ass. Hope; Sol. Harle, Leeds.—Pet. f. Nov. 1.
- WILLIAM WOOD**, Leeds, butcher, Nov. 18 at 11, Leeds: Off. Ass. Young; Sol. Simpson, Leeds.—Pet. f. Nov. 4.
- JOHN CHAPPELL**, Horbury, Yorkshire, mungo manufacturer, Nov. 15 at 11, Leeds: Off. Ass. Hope; Sols. Rayner, Horbury; Bond & Barwick, Leeds.—Pet. f. Nov. 1.
- JOHN BENNETT**, Everton, near Liverpool, bricklayer, (now a prisoner in Lancaster Castle), Nov. 16 at 11, Liverpool: Off. Ass. Bird; Sol. Horner, Liverpool.—Pet. f. Oct. 25.
- CHARLES SMITH**, Liverpool, commission merchant, Nov. 18 at 11, Liverpool: Off. Ass. Morgan; Sols. Bremner, Liverpool.—Pet. f. Nov. 4.
- WILLIAM CROSBY**, Manchester, plumber (trading under the style or firm of Upton & Crosby), Nov. 15 at 12, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Pet. f. Nov. 1.
- THOMAS BROWN**, Manchester, woollen warehouseman, Nov. 22 at 12, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Pet. f. Nov. 1.
- HENRY SCHOLEFIELD**, South Shields, Durham, and Newcastle-upon-Tyne, merchant, Nov. 15 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne.—Pet. f. Oct. 31.
- JOHN EVANS**, Hulme, Lancashire, provision dealer, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Elftot, Manchester.—Pet. f. Oct. 23.
- JOHN COULTER**, Salford, Lancashire, shoe manufacturer, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Dawson, Manchester.—Pet. f. Oct. 22.
- JONATHAN COX**, Higher Broughton, Lancashire, commission agent, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Andrew, Manchester.—Pet. f. Oct. 25.
- JAMES FOSTER WILKINSON**, Hulme, Lancashire, traveller on commission for the sale of carids, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Foulkes, Manchester.—Pet. f. Oct. 24.
- BENJAMIN SWIFT**, Cheetham, Lancashire, salesman, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Crowther, Manchester.—Pet. f. Oct. 19.
- JOHN FORBES HOPWOOD**, Hulme, Lancashire, book-keeper, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Richardson, Manchester.—Pet. f. Oct. 24.
- JOSEPH KELLY**, Hulme, Lancashire, journeyman joiner, Nov. 21 at 10, Salford: Off. Ass. Hulton; Sol. Dawson, Manchester.—Pet. f. Oct. 22.
- WILLIAM BARNES**, Newton, Lancashire, provision dealer, Nov. 12 at 12, Warrington: Off. Ass. Nicholson; Sol. Bent, Warrington.—Pet. f. Oct. 24.
- WILLIAM BABINGTON**, Lower Walton, Lancashire, provision dealer, Nov. 12 at 12, Warrington: Off. Ass. Nicholson; Sol. Bent, Warrington.—Pet. f. Oct. 23.
- ROBERT KELLY**, Derby-road, Bootle, near Liverpool, solicitor for orders in a saw mill, Nov. 18 at 2, Liverpool: Off. Ass. Hime; Sol. Roby, Liverpool.—Pet. f. Nov. 4.
- WALTER LEAPARD CROCKFORD**, Birmingham, milliner, Nov. 23 at 10, Birmingham: Off. Ass. Guest.
- JOHN SMITH**, Longworth, Lancashire, farmer, Nov. 15 at 11, Bolton: Off. Ass. Holden; Sols. Richardson & Hinnell, Bolton.—Pet. f. Nov. 1.
- EDWIN BENDALL**, Blaisdon, Gloucestershire, carrier, Nov. 20 at 11, Newnham: Off. Ass. Mason.—Pet. f. Nov. 2.
- RICHARD HALL**, Walsall, Staffordshire, builder, Nov. 15 at 11, Walsall: Off. Ass. Clarke.—Pet. f. Nov. 1.
- JAMES REEVES**, Willenhall, Staffordshire, licensed victualler, Nov. 23 at 9, Wolverhampton: Off. Ass. Brown; Sol. Smith, Birmingham.—Pet. f. Oct. 16.
- JOSEPH LOVEGROVE** the younger, Wolverhampton, manager to wine merchants, Nov. 23 at 9, Wolverhampton: Off. Ass. Brown; Sol. Underhill, Wolverhampton.—Pet. f. Oct. 26.
- JOHN LEWIS**, Wolverhampton, eating-house keeper, Nov. 23 at 9, Wolverhampton: Off. Ass. Brown; Sol. Creswell, Willenhall.—Pet. f. Oct. 28.
- JOHN STARLING DAY**, Billericay, Essex, surgeon, Nov. 19 at 10, Brentwood: Off. Ass. Lawia.—Pet. f. Oct. 25.
- WILLIAM FLETCHER**, Liverpool, in no business (now a prisoner in Lancaster Castle Gaol), Nov. 15 at 9, Lancaster: Off. Ass. Duan; Sol. Swan, Manchester and Lancaster.—Pet. f. Oct. 31.

**JOHN PETER BIRRE**, Lancaster, inspector of railway police, Nov. 15 at 2, Lancaster: O.E. Ass. Dunn; Sol. Swan, Manchester and Lancaster.—Pet. f. Oct. 30.

**WILLIAM KENNEDY**, Lancaster, bricklayer, Nov. 15 at 2, Lancaster: O.E. Ass. Dunn; Sol. Swan, Manchester and Lancaster.—Pet. f. Nov. 1.

**WILLIAM WADE**, Wickham-market, Suffolk, baker, Nov. 15 at 11, Woodbridge: O.E. Ass. Reeve; Sol. Churchyard, Woodbridge.—Pet. f. Nov. 1.

**THOMAS RIDGEWAY COLES**, Brighton, Sussex, letterpress printer (trading under the name of Thomas Coles), Nov. 15 at 10, Brighton: O.E. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Nov. 1.

**MORRIS GOBDDARD**, Brighton, Sussex, greengrocer, Nov. 15 at 10, Brighton: O.E. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Oct. 31.

**EDWARD HEALES**, Stoke Damerel, Devonport, Devonshire, shipwright, Nov. 16 at 11, East Stonehouse: O.E. Ass. Pearce.—Pet. f. Oct. 30.

**WILLIAM JESSUP**, Ryarsh, Kent, jobbing smith, Nov. 20 at 10, Maidstone: O.E. Ass. Scudamore; Sol. Morgan, Maidstone.—Pet. f. Oct. 31.

### MARTINGS.

*William Martin, Alfred Phillips Youle, and William Richardson Rodbeck*, Doncaster, Yorkshire, iron manufacturers, Nov. 16 at 10, Sheffield, pr. d.—*Louisa Jenks*, Lewisham-hill, Kent, widow, Dec. 7 at 11, London, last ex.—*Frederick Jury*, Maidstone, Kent, tailor, Dec. 5 at half-past 11, London, last ex.—*Wm. Henry Osborn*, Broad-street-buildings, London, accountant, Dec. 6 at 2, London, last ex.—*Wm. Disman*, Three Colt-lane, Cambridge-road, Middlesex, baker, Dec. 6 at 1, London, last ex.—*John Ivimey*, Water Eaton, Blotchley, Buckinghamshire, farmer, Dec. 5 at 12, London, last ex.—*John Williams*, Swansea, Glamorganshire, printer, Dec. 5 at 11, London, last ex.—*John Tinsdale Sptley*, Wandsworth, Surrey, plumber, Dec. 6 at 1, London, last ex.—*Joseph Paull*, Upper Clatford, Hampshire, farmer, Dec. 5 at 1, London, last ex.—*Wm. Booty*, Worlington, Suffolk, farmer, Dec. 5 at 1, London, last ex.—*John Finlay*, Henry-street, Portland-town, Middlesex, grocer, Nov. 27 at 1, London, last ex.—*James Atkins*, Archer-street, Kensington-park, Notting-hill, Middlesex, butcher, Dec. 4 at half-past 2, London, last ex.—*Joseph Evans*, Wimbledon and Clapham, Surrey, builder, Dec. 9 at 1, London, last ex.—*W. Thomas Hendry*, Cannon-street West, City, ironmonger, Dec. 11 at half-past 1, London, last ex.—*Joseph Sampson*, Raling, Middlesex, corn chandler, Nov. 11 at 1, London, last ex.—*John Willson Hewell*, Tottenham, Middlesex, builder, Dec. 18 at 11, London, last ex.—*Frederick Bodd. Partridge and Henry Edwards*, King's Lynn, Norfolk, attorneys, Dec. 20 at 12, London, last ex.—*William Cooper*, Forest-gate, Essex, out of business, Dec. 4 at 2, London, last ex.—*Daniel Terry*, Dover, Kent, smith, Nov. 16 at half-past 12, London, last ex.—*Henry Spilbury*, Birmingham, licensed victualler, Dec. 2 at 11, Birmingham, last ex.—*Richard Barnes Austin*, Tenbury, Worcestershire, gentleman, Dec. 9 at 11, Birmingham, last ex.—*Jonathan Kestley*, Birmingham, coke merchant, Dec. 6 at 11, Birmingham, last ex.—*Edward Bevan Rigby and Enoch Erasmus Holden*, Widnes, Lancashire, commission agents, Dec. 11 at 12, Liverpool, last ex.—*Jonathan Pell*, Caba-Gywa, near Aberystwith, Llanbedr-fawr, Cardiganshire, mining agent, Dec. 8 at 12, Bristol, last ex.—*Miles Matthews*, Birmingham, licensed victualler, Dec. 9 at 11, Birmingham, last ex.—*Thos. Bachs*, Bridgnorth, Shropshire, timber dealer, Nov. 23 at 11, Birmingham, and. ac.—*John Wilson*, Liverpool, shoemaker, Nov. 15 at 11, Liverpool, and. ac.—*Nov. 29 at 11, div.*—*Henry Boreham*, Wilmot-street, Russell-square, Middlesex, plumber, Nov. 26 at half-past 11, London, div.—*Wm. Fowler*, Bradford, Yorkshire, grocer, Nov. 26 at 11, London, div.—*Geo. Wilkinson*, Durham, grocer, Nov. 27 at 12, Newcastle-upon-Tyne, and. div.—*Thomas Robert Harrison and William Waters*, Sunderland, Durham, ironmongers, Nov. 27 at 12, Newcastle-upon-Tyne, div.—*Sir Robt. Graham, Bart., Joseph Ralston, and John Young*, London, and *John Ralston*, Manchester, merchants, Nov. 26 at 12, Manchester, div. joint est., and div. sep. est., of *John Ralston*.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*William Green*, Bear-lane, Blackfriars-road, Surrey, carman, Nov. 27 at half-past 1, London.—*Thos. Prince*, Beckford-row, Walworth-road, Surrey, dealer in fancy goods, Nov. 26 at 2, London.—*Charles Bartels*, Blimins, West Coast of Africa, merchant, Nov. 26 at 12, London.—*Charles Edward Alforth*, Barnes, Surrey, timber dealer, Nov. 29 at 1, London.—*Wm. McCherry and Wm. McNeill*, Adelaide-place, London-bridge, City, provision agents, Nov. 26 at 1, London.—*Henry John Hall*, Chapel Close, Berkshire, and Oxford, farrier, Nov. 29 at 12, London.—*Arthur Duffie Kidd*, Fore-street and Cripplegate-buildings, City, straw-hat manufacturer, Nov. 27 at 11, London.—*Thomas Smith*, Manchester, silk finisher, Nov. 27 at 12, Manchester.—*William Jepson and Denis Pickup*, Blackburn, Lancashire, cotton manufacturers, Nov. 27 at 12, Manchester.—*John Platt*, Oldham, Lancashire, furniture dealer, Nov. 28 at 12, Manchester.—*Thomas Corbett*, Birmingham, licensed victualler, Nov. 20 at 11, Birmingham.—*Charles Cockayne*, Burntwood, Staffordshire, builder, Nov. 29 at 11, Birmingham.—*Geo. Henry Kent*, Stratford-on-Avon, Warwickshire, timber merchant, Nov. 26 at 11, Birmingham.—*Wm. Groves*, Leicester, shoe manufacturer, Nov. 26 at half-past 11, Nottingham.—*Wm. Nathan Sykes Cope*, Wellington-street, Goswell-street, Middlesex, and Nottingham, wholesale tobaccoist, Nov. 26 at half-past 11, Nottingham.—*George Henry Ogden*, Bangor, Carnarvonshire, toy dealer, Nov. 25 at 11, Liverpool.—*W. Atherton*, Liverpool, merchant, Nov. 20 at 11, Liverpool.

To be granted, unless an Appeal be duly entered.

*Samuel Vagg*, Gower-place, Bedford-square, Middlesex, licensed victualler.—*James Ibbott*, Somersham, Huntingdonshire, builder.—*Arthur Hughes*, Aylesbury and Ivinghoe, Buckinghamshire, saddler.—*Chas. Ashfield*, Hammermith, Middlesex, shoe manufacturer.—*Charles Foster Robinson*, Sussex-street, Warwick-square, Picnic, Middlesex, boarding-house keeper.—*John Everett*, Little Iford, Essex, carpenter.—*Thomas Culleton*, Cranbourn-st., Leicester-square, Middlesex, engraver.—*Wm. Francis Palfrey*, Bermondsey New-road, Surrey, tanner.—*Joseph Hatherington*, Garden-lane, Kentish-town, Middlesex, licensed victualler.—*Eliza Spink*, High-street, Whitechapel, Middlesex, eating-house keeper.—*Thos. Martin Hawthorn*, Stafford, brewer.—*Luke Minchull*, Bromsgrove, Worcestershire, banker.—*John Pocock*, Upper Gornal, Sedgley, Staffordshire, licensed victualler.—*John Gibson*, Birmingham, licensed victualler.—*Alexander Thomas Snape*, Fossebridge, Dithorn, Staffordshire, licensed victualler.

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NOVEMBER 16, 1861.

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## THE JURIST.

LONDON, NOVEMBER 16, 1861.

THE number of cases reserved this year by revising barristers for the decision of the Court of Common Pleas considerably exceeds the average, amounting in the whole to fifteen, seven of which proceed from the metropolis and metropolitan county. This excess of the latter is only what might have been expected from the newspaper reports of the proceedings in those courts during this autumn; and if we may trust to those reports, as well as to common fame, several very important, although apparently elementary, questions in registration law were there raised. Chief among these were sundry questions relative to the effect of notices of objection sent by post in the manner prescribed by the Registration of Voters Act, 6 & 7 Vict. c. 18, ss. 100, 101; one of which questions was, we believe, also reserved by the revising barrister of West Kent.

We do not regret the circumstance of this large number, and should be well contented if the same occurred every year. But to reserve a case for the Court of Common Pleas is not an easy matter. It cannot be reserved on questions of fact, or even on the admissibility or rejection of evidence, and must be confined to questions of law; while even there the trouble and expense are such as not unfrequently to induce parties to refuse "a case" spontaneously offered by the revising barrister. This is to be regretted, seeing that there are many unsettled points in registration law. Thus, it is the common opinion that overseers cannot withdraw objections made by them—an opinion which may possibly be a just one, but which is not founded on any legislative declaration, or established by decision of the court of appeal.

For our own part we cannot help thinking that it would be an improvement in the law if every person against whom a decision is given by a revising barrister had his appeal ex debito justitiæ—at least, on his giving security to the opposite party for costs incurred in the litigation.

And here we may observe, that the law respecting costs in revising barristers' courts seems not generally understood. In some places a notion prevails among voters, claimants, and objectors, that the successful party in those courts is entitled to recover his costs as matter of course. This notion is not an unnatural one, being apparently drawn from a supposed analogy to the ordinary practice of judicial tribunals, where the general rule is, "Victus victori in expensis condemnandus est." But the law is not so; the sole power of the revising barrister to award costs being derived from the 46th section of the 6 & 7 Vict. c. 18, which enacts, "If in any case it shall appear to any revising barrister, holding any court, &c., that any person shall under this act have made, or attempted to sustain, any groundless or frivolous and vexatious claim or objection or title to have any name inserted or retained in any list of voters, it shall be lawful for the said barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the costs, or of any part of the costs, of any person or persons in resisting such claim or objection or title, &c.: provided always, that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of 20s."

The truth seems to be, that the Legislature by which this statute was passed deemed the elective franchise a privilege of so high a nature that no man ought to grudge a little time and trouble, and perhaps even expense, to secure it; and that it is not until a man's franchise is "frivolously" or "vexa-

tiously" attacked that he is entitled to any compensation. But this error is the less remarkable when we find that, short and precise as the above enactment is, it has occasionally been misunderstood by revising barristers. Some, we are informed, have laid down a rule "*never*" to allow costs to a new claimant on opposition to a successful new claim—a proposition in the very teeth of the statute, which renders the awarding costs discretionary with the revising barrister in the case of a frivolous or vexatious "claim or objection or title to have any name inserted or retained in any list of voters." Such a rule has an obvious tendency to encourage frivolous and vexatious objections.

It might also, perhaps, be worth the consideration of the Legislature whether objectors (other than overseers) ought to be allowed to withdraw their objections—at least, in the way they are allowed to do at present. There is every reason to believe, that in consequence of compromises effected by election agents in withdrawing objections to parties, many bad votes are to be found on most registers. The obvious remedy seems to be to make the withdrawing an objection *prima facie* evidence that it was "frivolous" or "vexatious;" but this would be rather a strong measure.

Upon the whole, looking at the number of cases reserved, and the points said to be involved in them, a useful addition to the body of registration law may be expected from the decisions of the Court of Common Pleas this year.

#### BOOKS RECEIVED.

The Criminal-law Consolidation and Amendment Acts of the 24 & 25 Vict.; with Notes and Observations. By Charles Sprengel Greaves, Esq., one of her Majesty's Counsel.—Stevens & Sons; Sweet; and Maxwell. 1861.

A Practical Treatise on the Law relating to the Duties of Railway Companies as Carriers of Passengers and Goods; with an Appendix of Statutes. By Walker Marshall, Esq., of the Middle Temple, Barrister-at-Law, Author of "The Law of Costs," &c.—Shaw & Sons. 1862.

The Law and Practice of Arbitration and Award; with Forms. By John Frederick Archbold, Esq., Barrister-at-Law.—William Henry Bond. 1861.

#### REGULÆ GENERALES.

#### THE BANKRUPTCY ACT, 1861 (24 & 25 VICT. c. 134).

##### GENERAL ORDERS.

WHEREAS, by the General Order, No. 29, of the General Orders bearing date the 12th October, 1861, it is ordered that where adjudication of bankruptcy is made against a debtor on his own petition, or against a debtor in gaol without petition, the first meeting of creditors shall be holden on the fourteenth day after the day of such adjudication, unless such fourteenth day shall happen to be one of the days excepted by the 48th section, and in that case on the day after; but it is apprehended that the directions given by the

said Order cannot be, in all cases, conveniently observed; now it is hereby ordered that the said General Order be and the same is hereby rescinded, and in lieu thereof it is ordered as follows:—

1. Where adjudication of bankruptcy is made against a debtor on his own petition, or against a debtor in gaol without petition, the first meeting of creditors shall be holden on the fourteenth day after the day of such adjudication, or on such other day as the court or the registrar making such adjudication shall think fit to appoint.

2. The following shall be the sums paid for the insertion of advertisements in the London Gazette, namely—

For every advertisement of adjudication, meeting, sitting, or other proceeding in any bankruptcy, except as hereinafter mentioned, the sum of 3s.

Where two or more bankruptcies are included in one advertisement, the sum of 2s. for each bankruptcy.

Where the adjudication of bankruptcy is made on the application of the debtor himself petitioning in forma pauperis, or by a registrar against a debtor in prison, the sum of 1s. for each bankruptcy.

3. Several notices may be included in one advertisement, which shall also contain notices of such meetings or sittings as the court or registrar may think fit, and may be in the following forms:—

#### "THE BANKRUPTCY ACT, 1861.

##### "Notice of Adjudications and First Meetings of Creditors.

"(1). James Smith and Thomas Jones, of —, having been adjudged bankrupt under a petition for adjudication of bankruptcy filed in her Majesty's Court of Bankruptcy in London on the — day of —, are hereby required to surrender themselves to —, a registrar of the said court, at the first meeting of creditors to be held before the said registrar, on the — day of —, at — o'clock in the — noon precisely, at the said court [or at —].

"A. B., of —, is the official assignee, and C. D., of —, the solicitor acting in the bankruptcy.

"(2). Charles Green, of —, having been adjudged bankrupt under a judgment debtor summons sued out of her Majesty's Court of Bankruptcy for the Birmingham District on the — day of —, is hereby required to surrender himself to —, a registrar of the said court, at the first meeting of creditors to be held before the said registrar, on the — day of —, at — o'clock in the — noon precisely, at the said court [or at —].

"A. B., of —, is the official assignee, and C. D., of —, is the solicitor acting in the bankruptcy.

"(3). John Brown, of —, having been adjudged bankrupt under a petition for adjudication of bankruptcy in forma pauperis filed in the county court of —, holden at — on the — day of —, is hereby required to surrender himself to —, a registrar of the said court, at the first meeting of creditors to be held before the said registrar, on the — day of —, at — o'clock in the — noon precisely, at the said court.

"A. B., of —, is the official assignee, and C. D., of —, the solicitor in the bankruptcy.

"(4). William Dean, of —, having been adjudged bankrupt by a registrar of the Court of Bankruptcy [or as the case may be], attending at the — gaol on the — day of —, and the adjudication being directed to be prosecuted at [state the court], is hereby required to surrender himself to —, a registrar of

the said last-mentioned court, at the first meeting of creditors to be held before the said registrar, on the — day of —, at — o'clock in the — noon precisely, at —.

"A. B., of —, is the official assignee, and C. D., of —, is the solicitor acting in the bankruptcy.

"Public sittings will be appointed by the court for the said bankrupts respectively to pass their last examinations, of which sittings due notice will be given in the London Gazette. At the said first meetings of creditors the registrar will receive the proofs of the debts of the creditors, and the creditors may choose an assignee or assignees of the bankrupt's estate and effects. At the public sittings proofs of debts of creditors will also be received, and the said bankrupts will be respectively required to submit themselves to be examined, and to make a full disclosure and discovery of all their estate and effects, and to finish their examinations.

"Notice is also hereby given to all persons indebted to any of the said bankrupts, or that have any of their effects, not to deliver the same but to the official assignee whom the court has appointed in that behalf, and give notice to the solicitor acting in the bankruptcy.

—, Registrar.

#### "THE BANKRUPTCY ACT, 1861.

##### "Notice of Sittings for Last Examination.

"James Smith, of —, having been adjudged bankrupt under a petition for adjudication of bankruptcy filed in her Majesty's Court of Bankruptcy in London on the — day of —, 1861 [or under *dc.*, as the case may be], a public sitting for the said bankrupt to pass his last examination, and make application for his discharge, will be held before —, Esq., a commissioner of the said court, on the — day of —, 186—, at the said court at Basinghall-street, in the city of London, at — o'clock in the — noon precisely, the day last aforesaid being the day limited for the said bankrupt to surrender.

"A. B., of —, is the official assignee, and C. D., of —, is the solicitor in the bankruptcy.

"Charles Green, of *dc.*

"John Brown, of *dc.*

"The first meeting of creditors has been duly held in each of the said bankruptcies, and at the several public sittings above mentioned proofs of debts of creditors who have not proved will be received; and the said several bankrupts will be required respectively to surrender themselves to the said court, and to submit themselves to be examined, and to make a full disclosure and discovery of all their estate and effects, and to finish their examinations."

4. The fee to be allowed to the gaoler for bringing up any prisoner petitioning in forma pauperis shall be the sum of 3s.

5. The fee to the gaoler, and also the sum paid for advertisements under bankruptcies of pauper prisoners, shall be paid out of the funds standing to the account of the chief registrar, and shall be repaid out of the assets, if any, to be received from the estate of such bankrupts respectively.

WESTBURY, C.  
JOHN S. M. FONBLANQUE.  
EDWARD HOLROYD.

Nov. 6, 1861.

#### ORDER OF COURT.—AUGUST 16, 1861.

I do order that the Accountant-General of this court, in acting under Orders hereafter to be made for the payment of dividends on Bank Stock stand-

ing in his name, do, unless the particular Order shall otherwise provide, draw for the whole half-yearly dividend which may from time to time be declared on such stock; and that the said Accountant-General, in acting under Orders heretofore made for the payment of such dividends, and which Orders have been included in, or may hereafter be added to, any schedule to any General Order in that behalf already made, do draw for the whole of such half-yearly dividend; but that the said Accountant-General, in acting under any Orders heretofore made, and not included in, or directed to be added to, any such schedule, do, until further order, draw for 3l. 10s. per cent. only of the half-yearly dividend declared on such Bank Stock.

(Signed) WESTBURY, C.

#### PUBLIC EXAMINATION OF STUDENTS.

MICHAELMAS TERM, 1861.

AT the Public Examination of Students of the Inns of Court, held at Lincoln's-inn Hall, on the 30th and 31st October, and the 1st November, 1861, the Council of Legal Education awarded to—

Thomas Maguire, Esq., student of Lincoln's-inn, a studentship of fifty guineas per annum, to continue for three years.

Herbert Hardy Cozens-Hardy, Esq., student of Lincoln's-inn; Arthur Charles, Esq., student of the Inner Temple; and James Thomas Jeffrey, Esq., student of the Middle Temple, certificates of honour of the first class.

Percy William Bunting, Esq., student of Lincoln's-inn, and Marston Clarke Bussard, Esq., student of the Inner Temple, co-equal; William Barber, Esq., student of Lincoln's-inn; Henry Mason Bompaas, Esq., student of the Inner Temple; Francis Nethercole Cates, Esq., student of Lincoln's-inn; Lewis Pugh Evans, Esq., student of Lincoln's-inn; Francis William Rowwell, Esq., student of the Middle Temple; David John Vavasor Durell, Esq., student of the Inner Temple; Decimus Sturges, Esq., student of Lincoln's-inn; Howard Warburton Elphinstone, Esq., student of Lincoln's-inn; John Pope Hennessy, Esq., student of the Inner Temple; Thomas Newton, Esq., student of Gray's-inn; Francis Phipps Onslow, Esq., student of Lincoln's-inn; and John Charles Bethune, Esq., student of the Inner Temple, certificates that they have satisfactorily passed a public examination.

By order of the Council,  
(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's-inn,  
Nov. 8, 1861.

#### BELLIGERENT RIGHTS AT SEA.

THE following letter, on subjects particularly deserving of attention at the present time, was addressed to J. Westlake, Esq., secretary of the International Law Department of the Association for the Advancement of Social Science, with the view of its being read at the recent meeting of the association at Dublin, but did not arrive in time. The writer is Mr. William Beach Lawrence, formerly Chargé d'Affaires of the United States at London; also editor of the last edition of Wheaton's International Law, and author of "The Law of Search." This gentleman must not, however, be confounded with Mr. Abbott Lawrence, recently ambassador to this country:—

"Ochre Point, Newport, R. I., July 28, 1861.

"My dear Sir,—When I looked on the programme of the International Department of your Association, I selected from the topics of discussion that of 'Rights of Belligerents over Private Property at Sea.' The position in which every American now finds himself, and which compels him to view all questions of public law not in their strictly international relations, but as connected with the existence of civil war, may well embarrass every attempt at free discussion. However any individual may endeavour to hold himself aloof from the popular excitement, and though he may not see in the alleged causes which divide his countrymen any apology for the sacrifices of blood and treasure to which the two sections are madly subjecting each other, it is not during a fratricidal strife that we are to look for any practical efforts towards carrying out the policy so happily inaugurated during your late war with Russia—making war a contest between State and State, and exempting, as far as practicable, from its evils, all the population not directly connected with the belligerent operations. Appreciating, as I do, the considerations which have led the governments of Europe to a declared neutrality in our pending domestic contest, as well as the advantage which the United States practically derive from a course which, instead of leaving their ports (as, without any violation of international obligations, they might have done) open to the prizes of both parties, excludes both, I shall, in any remarks that I may make on the proposed subject of discussion, endeavour to avoid all reference to the calamitous condition of our political affairs.

"So far had the idea been carried, that by the very existence of war the people of two nations become individually enemies, that all contracts between them were deemed to be ipso facto dissolved. So late as the war of 1812 it was for the first time, as far as my recollections extend, judicially expounded that a commercial partnership was thus terminated. The case was decided in the New York Court of Errors, the American commentator, Chancellor Kent, giving the controlling opinion. While both parties declared the right of a State to confiscate the private property of enemies found in the country, the only difference between the American and English courts was, that the former deemed a legislative act necessary for the purpose, while the seizing of all ships in port at the commencement of hostilities was regarded by the latter as a royal prerogative. The rule by which debts are suspended during the war, reviving at peace, was a modification of the right of confiscation in favour of the government, which is not only still theoretically claimed, but sometimes exercised, as by Denmark in 1807, in retaliation for vessels and other property condemned as droits of Admiralty. The early wars of the French Revolution, involved as they were with civil war, and the pretension of intervention on the part of the other European powers, were in their character exceptional. French publicists place in the same category with the confiscation of private property found in British ports the detention, on the rupture of the peace of Amiens, of individuals who had gone to the continent, before the commencement of the war, for purposes of pleasure or private business.

"The half century which had elapsed since the reconstruction of Europe by the Treaty of Vienna, while marked by the greater destructiveness imparted to the instruments of warfare, could scarcely have failed to effect some modifications in the belligerent code, if not as regards the subjects of the contending parties, at least in mitigating the inconveniences of war to those who, without any fault of their own, were made to suffer from the acts of others. In the wars of the

French Revolution not only were neutrals exposed to all the embarrassments connected with 'visitation and search,' and subjected to capture under paper blockades of the two great belligerents, now universally admitted to have been in violation of international law; but, through licenses issued by both of them to an enormous extent, they conceded to one another an extended trade, not only with their European territories, but with the enemy's colonies, from which the British courts would have excluded those States, not engaged in the war, to whom, under municipal regulations, it had been denied in peace. The conflicting views previously held, in reference to neutrals, by the two great allies in the war against Russia, rendered necessary, at least, a temporary compromise of principle. Recurring to their former systems, it is very evident that if two nations situated like England and France—the one possessing the largest military marine in the world, the other having a navy only inferior to that of its ally—had, as co-belligerents, determined each to maintain its own peculiar views, neutral commerce would have altogether ceased. The property of a friend, which England would not have condemned for having been found in an enemy's vessel, would, as partaking of the character of the flag, been good prize to a French cruiser; while the neutral ship, whose flag would have been a protection against France, would have been subject to be searched by English officers for enemy's property—the mere suspicion of having it on board being sufficient to cause her to be sent into an English port. Not only was the severity of the old codes mitigated by the declarations of England and France that 'free ships make free goods,' or, in other words, that enemy's property laden on board of neutral ships should pass free, while neutral property in enemy's ships remained exempt from confiscation, contraband of war in both cases excepted, but the prohibition of the enemy's colonial and coasting trade, not open to neutrals in time of peace, known as the rule of 1756, was wholly superseded, and neutrals were allowed to trade to all parts and places, wheresoever situated, not in a state of blockade. Indeed, so far as colonies were concerned, the rule, in the case of Russia, was necessarily without application; and as England, whose colonial trade had previously been made free, almost simultaneously with the Order in Council of the 15th April, 1854, opened by act of Parliament her coasting trade to the ships of all friendly nations, the theory of the restriction in question, even as to her, could no longer have had any basis.

(To be continued.)

## NEW TRIALS MOVED IN MICHAELMAS TERM.

### COURT OF QUEEN'S BENCH.

Midd.—Pym v. Great North-	Worcester—Whitmore v. Cla-
ern Railway Co.	ridge
" Cooper v. Walker	Stafford—Aston v. Rowley
Lond.—Hollingsworth v.	Herts—Brown v. Brown
White & ora.	Kent—Nixon v. Adamson
" Burgess v. Wrekham	" Reg. v. Inhabitants of
" Shepherd v. Tennant	Hawkhurst
" Davenport & an. v.	" Same v. Same
Richards & an.	Surrey—Gallagher v. Hum-
" Falkland Island Co.	phrey
v. Ecuador Land Co.	" Owens v. Pize
(Limited)	" Forster v. Robins
" Garner v. Ellis	" Potter v. Hustler
Bedford—Higgins v. Wells	" Moody v. London,
Glamorgan—Hawkins v. Wil-	Brighton, & South
liams	Coast Railway Co.

Surrey—Bristowe v. Porter  
Derby—Radford v. Whitting-  
ham  
" Simpson v. Mount  
Warwick—Foister v. Taylor  
York—Reg. v. Charlesworth  
" Brucks v. South York-  
shire Railway and  
River Dun Co.  
Durham—Ryder v. Woodley

Westmorel.—Marshall v. Ul-  
leawater Steam  
Navigation Co.  
(Limited)  
Liverp.—Henshaw v. Fletcher  
Carnarvon—Neath Railway  
Co. v. Roberts  
Flint—Huesner v. Bigland  
Bristol—Carter v. Clarke.

## COURT OF COMMON PLEAS.

Midd.—Dawson v. Harris.	Surrey—Brownlow v. Metro-
" Levey v. Lewis	politan Board of
" Searle v. Lindsay	Works
" Davis v. Marshall	" Same v. Same
" Lake v. Campbell	Sussex—Kriens v. Hawkins
" Garrard v. Guibellie	Leicester—Blades v. Higgs
" Martin v. Reid	Lincoln—Andrew v. Motley
" Fullwood v. Akerman	Warwick—Hinton v. Duff
Leind.—Turner v. Hardcastle	Bristol—Wheeler v. Sims
" Cannon v. Browning	Stafford—Felthouse v. Bind-
" Pooley v. Brown	ley
" Branley v. South-	Northumb.—Spence v. Spence
eastern Railway Co.	<i>Suspended.</i>
Surrey—Heading v. Andrew	Liverp.—Harrison v. Janson
" Watson v. Swann	Surrey—Keith v. Pratt.
" Farrant v. Barnes	

## COURT OF EXCHEQUER.

Leind.—Trigalles v. Sewell	Exeter—Evans v. Bristol and
" Ancona v. Marks	Exeter Railway Co.
" Butler v. Hunter	" Cross v. Williams
" Williamson v. Barton	Bristol—Miller v. Harris
" Plouman v. Dimsdale	Huntingdon—Nicholson v.
" Westall v. Penruddock	Fields
York—Simpson v. Wilson	Lewes—Duke v. Ashby
" Tetley v. Birley	Maidst.—Reeves v. Hawkes
Durham—Wellmer v. Spear-	Croydon—Croft v. Stevens
man	" Lee v. Fisher
Carlisle—Singleton v. Wil-	" Dodd v. Burchall
lamson	" Bartholomew v.
Liverp.—Milne v. Lelsler	Hill
" Brumby v. Johnston	Oxford—Harrison v. James
" Adams v. Midland	" Young v. Davis
Railway Co.	Stafford—Lockley v. Jeavons
Chester—Blake v. Done	" Nash v. Ash
Winchester—Bolch v. Smith	Glo'ster—Franklin v. Darke
Exeter—Strong v. Webber	" Jordan v. Roberts.

**SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.**—The first meeting of this society for the season took place on Monday, the 11th instant, at its rooms, 3, Waterloo-place, Pall-mall, the Solicitor-General in the chair. The report of the council was read, and the session inaugurated by an address from the chair-man.

**FREDERICK NANSCAWEN**, Birmingham, beerseller, Nov. 21 at 11, Birmingham: Off. Ass. Kinnear; Sols. Green & Kimberley, Birmingham.—Pet. f. Nov. 7.  
**DAVID CROSMAN DISMORE**, Birmingham, dealer in patents (now a prisoner in Northampton Gaol), Nov. 21 at 11, Birmingham: Off. Ass. Kinnear.—Pet. f. Nov. 6.  
**JOHN HARTSHORN**, Nottingham, manager of lace machines, Nov. 21 at 11, Nottingham: Off. Ass. Harris; Sol. Ashwell, Nottingham.—Pet. f. Nov. 7.  
**HENRY BROOKES**, Hardwicke, Gloucestershire, cattle salesman, Nov. 19 at half-past 12, Bristol: Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Nov. 6.  
**JAMES DAVIES**, Swansea, Glamorganshire, grocer, Nov. 19 at 1, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Nov. 5.  
**EDWARD HOWARD**, Swansea, Glamorganshire, shipbroker, Nov. 19 at 1, Bristol: Off. Ass. Miller; Sol. Henderson, Bristol.—Pet. f. Nov. 7.

**ISAAC LANSDOWN** the elder, ISAAC LANSDOWN the younger, and WILLIAM CARTER LANSDOWN, Wooton Bassett, Wiltshire, builders, Nov. 18 at 12, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Oct. 25.  
**STEPHEN KNOWLES**, St. Thomas-the-Apostle, Devonshire, brewer, Nov. 21 at 1, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Pet. f. Nov. 7.  
**SAMUEL WILLIAMS**, St. Cleer, Cornwall, innkeeper, Nov. 21 at 1, Exeter: Off. Ass. Hirtzel; Sols. Lisheard or Pitts, Exeter.—Pet. f. Nov. 7.  
**GEORGE WILKINS**, Curry Mallett, Somersetshire, beer-house keeper, Nov. 21 at 1, Exeter: Off. Ass. Hirtzel; Sol. Blake, Langport.—Pet. f. Nov. 7.  
**GEORGE JOHNSON COOK**, Kingston-upon-Hull, ginger beer manufacturer, Nov. 20 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Ayre, Hull.—Pet. f. Nov. 6.  
**GEORGE BROOK**, Kingston-upon-Hull, corn dealer, Nov. 20 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Gale, Hull.—Pet. f. Nov. 6.  
**JOHN HOLDEN**, Liverpool, attorney-at-law, Nov. 20 at 11, Liverpool: Off. Ass. Bird; Sols. Woodburn & Pemberton, Liverpool.—Pet. f. Nov. 6.  
**ELLIS TOOTILL**, Manchester, letter-press printer, Nov. 26 at 12, Manchester: Off. Ass. Pott; Sol. Popplewell, Manchester.—Pet. f. Nov. 2.  
**JAMES BARLOW**, Hyde, Cheshire, draper, Nov. 25 at 1, Manchester: Off. Ass. Fraser; Sol. Eltoft, Manchester.—Pet. f. Nov. 1.  
**JOHN HADFIELD**, Glossop, Derbyshire, leather dealer, Nov. 18 at 12, Manchester: Off. Ass. Fraser; Sol. Reddiah, Manchester.—Pet. f. Nov. 4.  
**FREDERICK POTTER**, Chadderton, Lancashire, cotton spinner, Nov. 22 at 11, Manchester: Off. Ass. Hernaman; Sol. Hampson, Manchester.—Pet. f. Nov. 1.  
**WILLIAM YEELES**, North Shields, Northumberland, builder, Nov. 19 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Swan, Morpeth.—Pet. f. Nov. 4.  
**EDWARD THEODORE FLOOR**, Gateshead, Durham, commercial agent, Nov. 19 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Pet. f. Nov. 4.  
**JOHN WALTER GRAY**, Sunderland, Durham, hatter, Nov. 20 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Pet. f. Nov. 6.  
**THOMAS SOORD**, Bishop Wearmouth, Durham, corn merchant (trading under the style or firm of Thomas Soord & Co.), Nov. 23 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne.—Pet. f. Nov. 6.  
**WILLIAM WADSWORTH**, Hemingbrough, near Howden, Yorkshire, cattle jobber, Nov. 18 at 11, Howden: Off. Ass. Porter; Sol. Mason, York.—Pet. f. Nov. 4.  
**MATTHEW GRAHAM** the elder, Cockermouth, Cumberland, plasterer, Nov. 20 at 10, Cockermouth: Off. Ass. Waugh; Sol. Hayton, Cockermouth.—Pet. f. Oct. 30.  
**WILLIAM EGAN**, Sheffield, house painter, Dec. 5 at 12, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Nov. 2.  
**HENRY WILLIAMSON**, Totley, Derbyshire, travelling draper, Dec. 5 at 12, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Nov. 2.  
**CHARLES BRICE MILLARD**, Sheffield, grocer's assistant, Dec. 5 at 12, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Nov. 6.  
**DANIEL BIRCHENALL**, Sheffield, dyer, Nov. 19 at 11, Sheffield: Off. Ass. Wake & Rodgers, Sheffield.—Pet. f. Oct. 30.  
**JOHN GRUMMIT**, Swinton, Wath-upon-Deane, Yorkshire, market gardener, Nov. 26 at 12, Rotherham: Off. Ass. Newman & Hoyle, Rotherham.—Pet. f. Nov. 1.  
**JOHN BAILEY**, Huddersfield, Yorkshire, woollen manufacturer, Nov. 21 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Dransfield, Huddersfield.—Pet. f. Oct. 24.  
**RICHARD INMAN**, Huddersfield, Yorkshire, manufacturer of cordials, Nov. 21 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Freeman, Huddersfield.—Pet. f. Oct. 24.  
**JARVIS ROEBUCK**, Huddersfield, Yorkshire, dyer, Nov. 21 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Lead-beater, Huddersfield.—Pet. f. Oct. 24.



**MARY ANNE M'KENZIE**, Heyland-common, near Barnsley, Yorkshire, milliner (now a prisoner in York Castle), Nov. 19 at 11, Sheffield: *Off. Ass. Jones & Rodgers, Sheffield.*—*Pet. f. Oct. 30.*

**GEORGE WILLIAM WOOD**, Huddersfield, Yorkshire, grocer, Nov. 21 at 10, Huddersfield: *Off. Ass. Jones, jun.*; *Sol. Dransfield, Huddersfield.*—*Pet. f. Oct. 20.*

**FREDERICK DENTON**, Huddersfield, Yorkshire, focker, Nov. 21 at 16, Huddersfield: *Off. Ass. Jones, jun.*; *Sol. Dransfield, Huddersfield.*—*Pet. f. Oct. 24.*

**WILLIAM COOPER**, Binstead, Isle of Wight, builder, Nov. 20 at 11, Newport: *Off. Ass. Blake*; *Sols. Hearn & Mew, Ryde.*—*Pet. f. Oct. 20.*

**WILLIAM THOMAS HEARN**, Hound, Hampshire, licensed victualler, Nov. 18 at 11, Southampton: *Off. Ass. Thorn-dike*; *Sol. Mackey, Southampton.*—*Pet. f. Oct. 24.*

**THOMAS CHURCHER**, North Stoneham, Hampshire, publican, Nov. 18 at 12, Southampton: *Off. Ass. Thorn-dike*; *Sol. Mackey, Southampton.*—*Pet. f. Oct. 24.*

**JAMES CANNINGS**, Dursley, Hampshire, market gardener, Nov. 19 at 12, Bishop's Waltham: *Off. Ass. Gunner*; *Sol. Mackey, Southampton.*—*Pet. f. Nov. 2.*

**RICHARD WILDING**, Sandbach-leath, near Sandbach, Cheshire, farmer, Nov. 18 at 10, Congleton: *Off. Ass. Latham*; *Sol. Cooper, Congleton.*—*Pet. f. Nov. 2.*

**EMMA WILLIAMS**, New Brighton, Cheshire, out of business, Nov. 16 at 11, Birkenhead: *Off. Ass. Gill*; *Sol. Husband, Liverpool.*—*Pet. f. Nov. 2.*

**DANIEL CHARLES BROWNE**, Liverpool, professor of music, Nov. 19 at 11, Birkenhead: *Off. Ass. Gill*; *Sol. Harris, Liverpool.*—*Pet. f. Nov. 5.*

**STEPHEN WALL**, Stockport, Cheshire, baker, Nov. 22 at 12, Stockport: *Off. Ass. Coppock*; *Sol. Howard, Stockport.*—*Pet. f. Nov. 4.*

**WILLIAM GRAY**, Frostenden, Suffolk, woodman, Nov. 18 at 11, Halesworth: *Off. Ass. Bass*; *Sol. Pead, Halesworth.*—*Pet. f. Nov. 1.*

**NOAH MUST**, Sudbury, Suffolk, butcher, Nov. 21 at 12, Sudbury: *Off. Ass. Andrews*; *Sol. Cardinall, Halesd, Essex.*—*Pet. f. Nov. 4.*

**WILLIAM TAYLOR**, Ashmore Brook, near Lichfield, Staffordshire, farm labourer, Nov. 19 at 11, Lichfield: *Off. Ass. Birch*; *Sol. Duignan, Walsall.*—*Pet. f. Nov. 4.*

**EMOCH LOVATT**, Kingswinford, Staffordshire, auctioneer, Nov. 19 at 10, Stourbridge: *Off. Ass. Harward.*—*Pet. f. Nov. 5.*

**WILLIAM PALMER**, Ardwick, Manchester, salesman, Nov. 20 at half-past 9, Manchester: *Off. Ass. Kay*; *Sol. Booth, Manchester.*—*Pet. f. Nov. 5.*

**MATTHEW BRADSHAW**, Salford, Lancashire, assistant to a greengrocer, Nov. 18 at 11, Salford: *Off. Ass. Hukton*; *Sol. Swan, Manchester.*—*Pet. f. Nov. 5.*

**JOHN SANDBERSON**, Cheadam, Lancashire, law stationer, Nov. 18 at 10, Salford: *Off. Ass. Hukton*; *Sol. Smith, Manchester.*—*Pet. f. Nov. 4.*

**JAMES ALLEN**, Liverpool, detective officer, Nov. 19 at 2, Liverpool: *Off. Ass. Hime*; *Sol. Pemberton, Liverpool.*—*Pet. f. Nov. 5.*

**GEORGE ELGAR**, Maidstone, Kent, surgeon, Nov. 20 at 10, Maidstone: *Off. Ass. Scudamore*; *Sol. Morgan, Maidstone.*—*Pet. f. Nov. 5.*

**WILLIAM LANE MARTIN**, Norwood, Surrey, ironmonger, Nov. 20 at 11, Gravesend: *Off. Ass. Southgate*; *Sol. Wates, Gravesend.*—*Pet. f. Nov. 6.*

**HERCULES ELLIS**, Northallerton, Yorkshire, out of business, Nov. 18 at 11, Northallerton: *Off. Ass. Jefferson*; *Sol. Bell, Northallerton.*—*Pet. f. Nov. 4.*

**SAMUEL RICHARDS**, St. Ives, Cornwall, yeoman, Nov. 19 at 10, Penzance: *Off. Ass. Paynter*; *Sol. Boyns, Penzance.*—*Pet. f. Nov. 5.*

**THOMAS MITCHELL**, Scredington, Lincolnshire, farmer (now a prisoner in Lincoln Castle), Nov. 18 at 12, Gleanford: *Off. Ass. Moore*; *Sols. Brown & Son, Lincoln.*—*Pet. f. Nov. 4.*

**WILLIAM EMERY LOWE**, Lincoln, dyer, Nov. 18 at 12, Lincoln: *Off. Ass. Uppleby*; *Sol. Chambers, Lincoln.*—*Pet. f. Nov. 4.*

**JOHN CHADBURN**, Donington, Lincolnshire, in no business (now a prisoner in Lincoln Castle), Nov. 15 at 12, Spalding: *Off. Ass. Bonner*; *Sols. Brown & Son, Lincoln.*—*Pet. f. Nov. 4.*

**JOHN BOGINTON**, West Broomwich, Staffordshire, retail brewer, Nov. 20 at 10, Oldbury: *Off. Ass. Watson.*

**SUTTON RAWLINSON**, Calator, Lincolnshire, licensed victualler, Nov. 18 at half-past 11, Calator: *Off. Ass. Had-dalsey*; *Sols. Brown & Son, Lincoln.*—*Pet. f. Nov. 2.*

#### MARRIAGES.

*J. Johnson and C. S. Gibson*, Redcross-street, Barbican, London; *Hackney-road-avenue, Hackney-road, Middlesex*, and *Norwich, shoe factors*, Nov. 21 at half-past 11, London, pr. d.—*Nicholas Wm. Gibson*, Austin-frars, City, ship broker, Nov. 19 at half-past 2, London, to appoint a manager.—*Richard Watson*, Gravesend, Kent, licensed victualler, Dec. 12 at 1, London, last ex.—*Joseph Lee*, Billiter-square, City, news agent, Dec. 12 at half-past 12, London, last ex.—*A. Hannibal*, Great Portland-street, Middlesex, bootmaker, Dec. 12 at 12, London, last ex.—*H. Solomon*, Haymarket, Middlesex, billiard marker, Dec. 12 at half-past 1, London, last ex.—*John Miller*, Golden-lane, Barbican, Middlesex, baker, Dec. 12 at 11, London, last ex.—*George M'Caughie*, Trafalgar-terrace, Northcote-road, De Beauvoir-square, Middlesex, commercial traveller, Dec. 5 at half-past 12, London, last ex.—*Robert Clayton Deansby*, Fitzroy-street, Fitzroy-square, Middlesex, officer in the mercantile marine service, Dec. 20 at half-past 1, London, last ex.—*James Knott*, Emerson-st, Bankside, Surrey, glass manufacturer, Dec. 12 at 2, London, last ex.—*Martha Arthur Augusta Richards*, spencer, Chester-street, Balgrave-square, Middlesex, in no occupation, Dec. 12 at 11, London, last ex.—*John Lawton*, Mount-st, Middlesex, foreign agent, Dec. 12 at 11, London, last ex.—*James Bushby*, Aldershot, Hampshire, corn dealer, Dec. 3 at half-past 12, London, last ex.—*Samuel Wm Hall*, East Dulwich, Surrey, gentleman, Dec. 3 at 11, London, last ex.—*Andrew Black*, Melbourne-place, Cambridge-road, Bethnal-green, Middlesex, dry fishmonger, Dec. 8 at 2, London, last ex.—*E. Jas. Stephen Dicky*, Strand, Middlesex, in no trade, Dec. 3 at half-past 11, London, last ex.—*Jas. Giller*, Little Marylebone-street, Marylebone, Middlesex, painter, Dec. 5 at half-past 10, London, last ex.—*Francis Robert Steadman*, King-street, Finsbury-square, Middlesex; *Manchester, Lancashire*; and *Hall and Bradford, Yorkshire, shoe warehouseman*, Dec. 4 at 11, London, last ex.—*W. Knight*, Baker-street, Walworth-road, Camberwell, southwark, Dec. 4 at 1, London, last ex.—*Edmond K. M'Namara*, North Woolwich, Kent, hotel keeper, Dec. 20 at 11, London, last ex.—*John Edwards*, Upper North-place, Gray's-inn-road, Middlesex, tailor, Dec. 6 at half-past 12, London, last ex.—*Albert Dunsford*, Grove-hill-terrace, Camberwell, Surrey, Dec. 18 at 12, London, last ex.—*C. Cargill*, Brompton, Kent, widow, Dec. 11 at 2, London, last ex.—*W. G. Snow*, Hounslow, Middlesex, out of business, Dec. 6 at 1, London, last ex.—*Joseph Sawyer*, High Holborn, Middlesex, licensed victualler, Dec. 18 at 1, London, last ex.—*John Wilson*, Edgware-road, Middlesex, coffee-house keeper, Dec. 6 at 1, London, last ex.—*Henry James Leigh*, Leather-lane, Holborn, Middlesex, draper, Dec. 5 at half-past 2, London, last ex.—*Edmond Westbrook*, Hanley, Staffordshire, grocer, Dec. 2 at 11, Birmingham, last ex.—*Joseph Williamson*, Chivers Coton, Warwickshire, manager of ironworks, Dec. 13 at 11, Birmingham, last ex.—*John Schofield*, Nottingham, bootmaker, Nov. 26 at half-past 11, Nottingham, last ex.—*Charles Miles*, Frome Selwood, Somersetshire, innkeeper, Dec. 5 at 11, Bristol, last ex.—*James Massey*, Weston super-Mare, Somersetshire, builder, Dec. 3 at 11, Bristol, last ex.—*Robert Telf*, Skipton, Yorkshire, clog maker, Dec. 3 at 11, Leeds, last ex.—*Sidney Beerhouse*, Meltham, Yorkshire, yarn manufacturer, Dec. 2 at 11, Leeds, last ex.—*Thomas Taylor*, Hamkith, Kirkby Malhamdale, Yorkshire, farmer, Dec. 6 at 11, Leeds, last ex.—*Barnet Levi* and *George Levi*, Liverpool, watch-makers, Nov. 26 at 11, Liverpool, last ex.—*Joseph Radcliffe*, Liverpool, porter merchant, Nov. 26 at 12, Liverpool, last ex.—*James Hornby*, Liverpool, watch manufacturer, Dec. 11 at 11, Liverpool, last ex.—*John Tomkinson* and *John Sharples*, Manchester, joiners, Dec. 9 at 12, Manchester, last ex.—*Sampson Goodheim*, Manchester, cloth cap manufacturer, Dec. 13 at 12, Manchester, last ex.—*Joseph Stidder*, Manchester, baker, Nov. 28 at 12, Manchester, last ex.—*Francis Maitland*, Newcastle-upon-Tyne, grocer, Nov. 20 at 11, Newcastle-upon-Tyne, last ex. and aud. ac.; Dec. 8 at 12, div.—*Thomas R. Ormsdell*, Sunderland, Durham, shipbuilder, Nov. 21 at 11, Newcastle-upon-Tyne, last ex.—*Joseph John*

*Cumlish and Macmillan Lindt*, Fenchurch-street, City, merchants, Nov. 30 at 1, London, and. ac.—*Henry B. Cox*, Cowper's-court, Cornhill, City, tavern keeper, Nov. 30 at 1, London, and. ac.—*James L. Fuggle*, Gutter-lane, Chesapeake, City, neck-tie manufacturer, Nov. 19 at 1, London, and. ac.—*Thomas Prince*, Beckford-row, Waiworth-road, Surrey, dealer in fancy goods, Nov. 30 at 2, London, and. ac.—*Thomas H. Bennett and Joseph H. Bennett*, Lockhampton, Gloucestershire, builders, Nov. 21 at 11, Bristol, and. ac.—*Edward E. Fenwick*, Newcastle-upon-Tyne, wine merchant, Nov. 30 at 12, Newcastle-upon-Tyne, and. ac.—*Thomas R. Harrison and William Waters*, Sunderland, Durham, ironmongers, Nov. 23 at 12, Newcastle-upon-Tyne, and. ac.—*John Vekins and Wm. Hurd*, Jubilee-place, Chelsea, Middlesex, horticultural builders, Nov. 30 at 11, London, div.—*James Wadson*, Fleet, Lincolnshire, innkeeper, Dec. 5 at 11, Nottingham, div.—*William Parnham*, Nottingham, licensed victualler, Dec. 5 at 11, Nottingham, div.—*John Jerram*, Nottingham, hostler's assistant, Nov. 26 at half-past 11, Nottingham, last ex.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Nicholson and Wm. Stone*, Cannon-street West, City, warehousemen, Dec. 2 at half-past 11, London.—*Thos. North*, Brighton, Sussex, contractor, Dec. 4 at 1, London.—*Thomas Hall*, North-end, Fulham, Middlesex, licensed victualler, Nov. 29 at 1, London.—*Thomas Sherwood*, Southsea, Portsea, Southampton, laceman, Nov. 29 at 2, London.—*David Ramsey*, Forest-hill, Kent, merchant, Nov. 29 at 12, London.—*Daniel Wm. Taylor*, Swansea, Glamorganshire, victualler, Dec. 3 at 11, Bristol.—*Robert Griffiths*, Llantrisant, Glamorganshire, innkeeper, Dec. 10 at 11, Bristol.—*James Cooper*, Manchester, rag merchant, Dec. 5 at 12, Manchester.—*Richard Jeffries*, Chapel-en-le-Frith, Derbyshire, bleacher, Dec. 5 at 11, Manchester.—*Aaron Fielding*, Glasop, Derbyshire, grocer, Dec. 5 at 12, Manchester.—*George Moorhouse, Thomas Moorhouse, Wm. Moorhouse, and Robert Moorhouse*, Barley and Byerden Mills, near Burnley, Lancashire, cotton manufacturers, Dec. 4 at 12, Manchester.—*James Worrall*, Buerill Head, near Rochdale, Lancashire, licensed victualler, Dec. 4 at 12, Manchester.—*Wm. Thos. Ashwin*, Burslem, Staffordshire, wine merchant, Dec. 6 at 11, Birmingham.—*Hugh Matheson*, Liverpool, merchant, Nov. 25 at 12, Liverpool.—*John Wm. Garrett*, Liverpool, corn merchant, Dec. 6 at 11, Liverpool.—*William Seoord*, Dowsbury, Yorkshire, draper, Nov. 29 at 11, Leeds.—*John Greenwood*, Sheffield, Yorkshire, stone sawyer, Nov. 30 at 11, Sheffield.—*Edward Wm. R. Rudgard*, Lincoln, maltster, Dec. 4 at 12, Kingston-upon-Hull.—*John Mills Hassall*, Huddersfield, Yorkshire, cloth finisher, Dec. 10 at 11, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Demetrius Stephen Pezzali and George Stephen Pezzali*, Great Tower-street, City, merchants.—*Thomas Gorman*, Gracechurch-street, City, Italian warehouseman.—*Horace W. Sexton*, Norwich, builder.—*David Goodman*, Carlisle, Glamorganshire, watchmaker.—*George Besley*, Highbridge, Somersetshire, innkeeper.—*Morgan W. David*, Aberaman, Glamorganshire, draper.—*Thomas H. Bennett and Joseph H. Bennett*, Lockhampton, Gloucestershire, builders.—*A. H. James and Thomas Roberts*, Newport, Monmouthshire, builders.—*George Smeeton*, Batley, Yorkshire, rag merchant.—*Richard Wilson*, Leeds, Yorkshire, flax spinner.—*Thomas Wilkins*, New Wortley, Yorkshire, stonemason.

## PETITION ANNULLED.

*Thomas Lard*, Todmorden, Lancashire, cotton spinner.

## SCOTCH SEQUESTRATIONS.

*James Daly*, Glasgow, warehouseman.—*John M'Laren*, Glasgow, hostler.—*George Graystone*, Edinburgh, spirit merchant.

TUESDAY, Nov. 12.

## BANKRUPTS.

*SAMUEL BELL*, Moosona-place, Holloway, Middlesex, tailor, Nov. 23 at 12, London: Off. Ass. Bell; Sols. Harrison & Lewis, 6, Old Jewry.—Pet. f. Nov. 7.

*HENRY SHALDERS*, Queen Margaret's-grove, Stoke Newington-green, Middlesex, auctioneer, Nov. 23 at 11, London: Off. Ass. Johnson; Sol. Buchanan, Basinghall-street.—Pet. f. Nov. 8.

*FRANZ SPONHEIMER*, New-street, Lion-street, New Kent-road, Surrey, baker (now a prisoner in Horsemonger-lane Gaol), Nov. 23 at 12, London: Off. Ass. Johnson.—Pet. f. Nov. 8.

*WILLIAM JOHN SAMUEL TIMOTHY*, Culford-road, North Kingsland, Middlesex, furniture salesman (now a prisoner in the Queen's Prison), Nov. 26 at half-past 11, London: Off. Ass. Cannan.—Pet. f. Nov. 6.

*HENRY WHITEHEAD*, Knockholt, near Sevenoaks, Kent, licensed victualler, Nov. 26 at 1, London: Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Nov. 9.

*JONATHAN LEEFE*, Windsor-grove, Cooper's-road, Old Kent-road, Surrey, fancy-box manufacturer (now a prisoner in Whitecross-street Prison), Nov. 26 at 12, London: Off. Ass. Cannan; Sol. Lowther, 141, Fenchurch-street.—Pet. f. Nov. 9.

*JOSEPH CRICK*, Desborough, Northamptonshire, miller, Nov. 25 at 3, London: Off. Ass. Cannan; Sol. Douglas, Market Harborough, and 48, Essex-street, Strand.—Pet. f. Nov. 8.

*GEORGE HOPE*, Huntingdon-place, Huntingdon-street, Middlesex, waterproof-composition manufacturer (now a prisoner in Whitecross-street Prison), Nov. 25 at half-past 2, London: Off. Ass. Cannan; Sols. Howard & Co., 66, Paternoster-row.—Pet. f. Nov. 7.

*JOHN GROVES*, York-road, King's-cross, and Arthur-terrace, Caledonian-road, Middlesex, saddler, Nov. 25 at 2, London: Off. Ass. Cannan; Sol. Smith, 15, Wilmington-square.—Pet. f. Nov. 7.

*WILLIAM NATHANIEL WYNN*, Greenwich, Kent, saw-mills proprietor, Nov. 26 at half-past 12, London: Off. Ass. Cannan; Sols. Cole & Jones, 16, Old Jewry-chambers.—Pet. f. Nov. 9.

*HARRY EVES*, Plumstead, Kent, tailor, Nov. 26 at half-past 1, London: Off. Ass. Cannan; Sol. Heathfield, 19, Lincoln's-inn-fields.—Pet. f. Nov. 9.

*BENNETT MORGAN*, North-crescent, Tottenham-court-road, Middlesex, American shipping master, Nov. 25 at 10, London: Off. Ass. Pennell; Sol. King, 83, Fenchurch-street, London.—Pet. f. Nov. 8.

*HUBERT DELME RADCLIFFE*, Brighton, Sussex, captain in her Majesty's army, Nov. 25 at 10, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry, London.—Pet. f. Nov. 8.

*JOHN TURNER*, Westbourne-gardens, Bayswater, Middlesex, hotel keeper, Nov. 28 at 10, London: Off. Ass. Pennell; Sol. Buchanan, 13, Basinghall-street, London.—Pet. f. Nov. 4.

*CHARLES HUSTLER*, Arlington-street, New North-road, Islington, marble mason, Nov. 29 at half-past 11, London: Off. Ass. Pennell; Sol. Angell, 23, King-street, Guildhall, London.—Pet. f. Nov. 6.

*GEORGE ALLEN*, Brook-street, Kennington-road, Surrey, out of business, Nov. 27 at 10, London: Off. Ass. Pennell; Sols. Chantler & Crouch, 8, Gray's-inn-square, London.—Pet. f. Nov. 9.

*WILLIAM GEORGE HOWARD*, Wellington-road, St. John's-wood, Middlesex, gentleman, (now a prisoner in Maidstone Gaol), Nov. 29 at 1, London: Off. Ass. Pennell; Sols. Pawle & Lovesey, 7, New-lan, Strand, London.—Pet. f. Nov. 7.

*ARTHUR HANSFORD*, Coal-yard, Bloomsbury, Middlesex, general dealer (now a prisoner in Whitecross-street Prison), Nov. 27 at 10, London: Off. Ass. Pennell.—Pet. f. Nov. 6.

*FREDERICK WITHERS BUTLER*, Alvescott, Oxfordshire, out of business, Nov. 25 at 2, London: Off. Ass. Graham; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Nov. 8.

*THOMAS OWEN*, Cumming-street, Pentonville, Middlesex, pianoforte maker, Nov. 26 at half-past 12, London: Off. Ass. Graham; Sol. Wells, 47, Moorgate-street, London.—Pet. f. Nov. 8.

*EDWARD BRIDGES*, Bury St. Edmunds, Suffolk, coach-builder, Nov. 25 at 1, London: Off. Ass. Graham; Sols. Lewis & Lewis, 10, Ely-place, Holborn, London.—Pet. f. Nov. 7.

- GEORGE MINTO** and **ALFRED PAVITT**, George-yard, Lombard-street, City, advertising agents (trading under the style or firm of Minto & Pavitt, now prisoners in Whitecross-street Prison), Nov. 29 at half-past 2, London: Off. Ass. Pennell.—Pet. f. Nov. 9.
- ROBERT BUSCALL**, Newbon-farm, Cudham, near Bromley, Kent, farmer, Nov. 27 at half-past 12, London: Off. Ass. Graham; Sols. Chilton & Co., 25, Chancery-lane, London.—Pet. f. Nov. 9.
- JOHN PARSONS**, Little Britain, City, tailor, Nov. 27 at 1, London: Off. Ass. Graham; Sol. Wood, 4, Coleman-street-buildings, London.—Pet. f. Nov. 5.
- JOSEPH BALLY**, Victoria-road, Lower-road, Islington, Middlesex, commission agent, Nov. 25 at half-past 1, London: Off. Ass. Stansfeld; Sol. Peverley, 19, Coleman-street, City.—Pet. f. Nov. 7.
- LYDIA MARSH**, Gloucester-street, Clerkenwell, Middlesex, dealer in watchmaker's tools (sometimes trading as E. & J. Marsh), Nov. 25 at half-past 12, London: Off. Ass. Stansfeld; Sols. Boulton & Sons, Northampton-square.—Pet. f. Nov. 9.
- RICHARD BRINSLEY SHERIDAN** the younger (sued and committed as R. B. Sheridan the younger), Long's Hotel, New Bond-street, Middlesex, gentleman (now a prisoner in the Queen's Prison), Nov. 28 at half-past 11, London: Off. Ass. Edwards; Sols. Lewis & Lewis, Ely-place, Holborn, London.—Pet. f. Nov. 8.
- HENRY BARNARD CHALON** (known as Henry Chalon), North-terrace, Alexander-square, Brompton, Middlesex, accountant, Nov. 30 at half-past 11, London: Off. Ass. Edwards; Sol. King, 83, Fenchurch-street, London.—Pet. f. Nov. 9.
- MICHAEL GOULDEN**, Elder-street, Norton Folgate, Middlesex, silk manufacturer, Nov. 30 at 12, London: Off. Ass. Edwards; Sol. Beetholme, 7, New Ormond-street, Bedford-row.—Pet. f. Nov. 9.
- CHARLES WILLIAM TOWNLEY**, Paul-street, Finsbury, Middlesex, funeral contractor, Nov. 30 at 11, London: Off. Ass. Edwards; Sols. Buchanan, 1, Walbrook-buildings, London; Runnacles, Brighton.—Pet. f. Nov. 8.
- HENRY KAINS JACKSON**, St. John's-road, Battersea-rise, Surrey, corn merchant, Nov. 30 at half-past 10, London: Off. Ass. Edwards; Sol. Bastard, 25, Philpot-lane, London.—Pet. f. Nov. 8.
- JOHN ARTHUR ELSTOB**, North-row, Park-lane, Middlesex, clerk to a land agent (now a prisoner in Whitecross-street Prison), Nov. 30 at half-past 12, London: Off. Ass. Edwards; Sol. Philp, 26, Bucklersbury.—Pet. f. Nov. 9.
- WILLIAM WATKINS**, Maldon-terrace, Newbury-terrace, Kentish-town, Middlesex, plumber (now a prisoner in Whitecross-street Prison), Nov. 30 at 3, London: Off. Ass. Edwards.—Pet. f. Nov. 11.
- WILLIAM NORMAN**, Peterborough, Northamptonshire, hatter, Nov. 30 at half-past 1, London: Off. Ass. Edwards; Sols. Taylor, Peterborough; Lawrance & Co., 14, Old Jewry-chambers, London.—Pet. f. Nov. 11.
- FRANCIS HARRIS**, Upper Bryanston-street, Bryanston-square, Middlesex, saddler, Nov. 30 at 1, London: Off. Ass. Edwards; Sol. Marshall, 12, Hatton-garden, London.—Pet. f. Nov. 11.
- WILLIAM DAVIS**, Bridgend, Glamorganshire, ironmaster, Nov. 26 at 12, Bristol: Off. Ass. Miller; Sols. Brittan & Sons, Bristol.—Pet. f. Nov. 8.
- ROBERT BOWMAN**, Abergavenny and Pontypool, Monmouthshire, coal merchant, Nov. 25 at 11, Bristol: Off. Ass. Acraman; Sols. Garrold, Hereford; Brittan & Sons, Bristol.—Pet. f. Nov. 7.
- THOMAS WILLIAMS**, Birmingham, surgeon, Nov. 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Harrison & Wood, Birmingham.—Pet. f. Nov. 8.
- JOSEPH JOHN TYLER**, Lowesmoor, Worcestershire, baker, Nov. 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. East & Parry, Birmingham.—Pet. f. Nov. 9.
- ANTHONY SALT**, Tutbury, near Burton-upon-Trent, Staffordshire, butcher, Nov. 25 at 11, Birmingham: Off. Ass. Kinnear; Sols. Flint, Uttoxeter; James & Knight, Birmingham.—Pet. f. Nov. 9.
- JAMES JOSEPH GREGORY POVEY**, Handsworth, Staffordshire, licensed victualler, Nov. 29 at 11, Birmingham: Off. Ass. Kinnear; Sols. Hooper & North, West Bromwich; Hodgson & Allen, Birmingham.—Pet. f. Nov. 9.
- WALTER WILSON**, Handsworth, Staffordshire, attorney's clerk (now a prisoner in the Gaol of Stafford), Nov. 29 at 11, Birmingham: Off. Ass. Kinnear; Sol. Beaton, Birmingham.—Pet. f. Nov. 7.
- WILLIAM CROSBY**, Gosberton, Risegate, Lincolnshire, brewer, Nov. 22 at 11, Nottingham: Off. Ass. Harris; Sols. Hawkrigge & Heathcote, Nottingham.—Pet. f. Nov. 8.
- ALFRED COE**, Pudsey, Yorkshire, extractor, Nov. 23 at 11, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. f. Nov. 8.
- HANNAH HARGREAVES**, Armley, near Leeds, Yorkshire, dressmaker, Nov. 25 at 11, Leeds: Off. Ass. Hope; Sol. Harle, Leeds.—Pet. f. Nov. 8.
- RICHARD JESSAP ROBINSON**, Manchester, salesman (now a prisoner in the Gaol of Manchester), Nov. 23 at 11, Manchester: Off. Ass. Fraser; Sol. Chew, Manchester.—Pet. f. Nov. 9.
- EDWARD FORSTER KIRSOP**, Newcastle-upon-Tyne, grocer, Nov. 26 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. J. & R. S. Watson, Newcastle-upon-Tyne; Richardson, 15, Old Jewry-chambers.—Pet. f. Nov. 5.
- JOHN JENNINGS** and **GEORGE JENNINGS**, Leeds, stone bottle manufacturers, Nov. 21 at 11, Leeds: Off. Ass. Sangster; Sols. G. A. & W. Emsley.—Pet. f. Nov. 7.
- ASHER LUMB** and **WILLIAM LUMB**, Leeds, millwrights, Nov. 21 at 12, Leeds: Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Oct. 29.
- MATTHEW MARSHALL**, Leeds, painter, Nov. 26 at 12, Leeds: Off. Ass. Sangster; Sols. Butler & Smith, Leeds.—Pet. f. Nov. 7.
- SARAH ANN SMITH**, Leeds, manager to a dressmaker, Nov. 27 at 12, Leeds: Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Nov. 7.
- WILLIAM HALLSWORTH**, Godley-green, Cheshire, nurseryman (now a prisoner in the Gaol of Lancaster), Dec. 4 at 12, Hyde: Off. Ass. Brooks; Sol. Grundy, Manchester.—Pet. f. Nov. 7.
- FRANCIS FOSTER**, Bridgwater, Somersetshire, beer-house keeper, Nov. 27 at 10, Bridgwater: Off. Ass. Lovibond; Sol. Barham, Bridgwater.—Pet. f. Oct. 29.
- ROBERT JAMES BELL**, Burslem, Staffordshire, grocer, Nov. 19 at 10, Hanley: Off. Ass. Challinor; Sol. Satten, Burslem.—Pet. f. Nov. 7.
- HENRY DAVIES**, Glasbury, Brecknockshire, tailor, Nov. 25 at 10, Hay: Off. Ass. James; Sol. Cheese, Hay.—Pet. f. Oct. 25.
- JAMES COOK**, Byfleet, Surrey, out of business, Nov. 27 at 12, Chertsey: Off. Ass. Gregory; Sol. Grazebrook, Chertsey.—Pet. f. Nov. 5.
- THOMAS VICKERS**, Haxey, Lincolnshire, farming bailiff, Nov. 22 at 11, Gainsborough: Off. Ass. Merryweather; Sol. Bladon, Gainsborough.—Pet. f. Nov. 8.
- GEORGE HARMAN**, Birmingham, assistant to a licensed victualler, Nov. 22 at 10, Birmingham: Off. Ass. Guest.
- JOHN CORBETT**, Sheepshed, Leicestershire, grocer, Nov. 25 at 10, Loughborough: Off. Ass. Brock; Sol. Giles, Loughborough.—Pet. f. Oct. 25.
- WILLIAM WHITBY**, Nottingham, calf jobber, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. f. Nov. 8.
- WILLIAM BARRADELL**, Nottingham, baker, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.
- SIDNEY SMITH**, Nottingham, hosier, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.
- WILLIAM CHARLES MEE**, Nottingham, tobaccoist, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Heathcote, Nottingham.—Pet. f. Nov. 8.
- FLORINDA BIANCHI**, Nottingham, plaster maker, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. f. Nov. 8.
- CHARLES ARMSTEAD**, Radford, Nottinghamshire, lace manufacturer, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.
- EDWARD LEE**, Carlton, Gedling, Nottinghamshire, beer-house keeper, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.
- CHARLES JAMES FOX**, Gotham, Nottinghamshire, cordwainer, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.

**ROBERT ROWLSON**, Nottingham, cabinet maker, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.

**WILLIAM JAGUES**, Hyson-green, Nottinghamshire, piano-forte maker, Dec. 4 at 10; Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 8.

**CYRUS PEARSON**, Lenton, Nottinghamshire, lacemaker, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Coope, Nottingham.—Pet. f. Nov. 8.

**CATHERINE SLATER**, Beasford, Nottinghamshire, baker, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Cooper, Nottingham.—Pet. f. Nov. 9.

**JOHN SANT WRIGHTMAN**, Mansfield, Nottinghamshire, commission agent, Dec. 6 at 10, Mansfield: Off. Ass. Patchitt; Sol. Cusumham, Mansfield.—Pet. f. Nov. 11.

**CHARLES JOHN JOSLAND**, Exeter, printer, Nov. 23 at 11, Exeter: Off. Ass. Daw; Sol. Flood, Exeter.—Pet. f. Nov. 9.

**WILLIAM THOMAS DAVIS**, Bristol, undertaker's assistant, Nov. 29 at 1, Bristol: Off. Ass. Harley & Gibbs; Sol. Roper, Bristol.—Pet. f. Nov. 7.

**JOSEPH HASKINS**, Bristol, lodging-house keeper, Nov. 23 at 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Thick, Chipping Sodbury, Gloucestershire.—Pet. f. Nov. 7.

**THOMAS TAYLOR**, Bristol, marine store dealer, Nov. 23 at 2, Bristol: Off. Ass. Harley & Gibbs; Sol. Roper, Bristol.—Pet. f. Nov. 6.

**THOMAS MILLWARD GEDDES**, Warrington, commission agent, Nov. 21 at 12, Warrington: Off. Ass. Nicholson.—Pet. f. Nov. 7.

**CHARLES BRUCE LEACH**, Newnham, Gloucestershire, writing clerk, Dec. 18 at 11, Newnham: Off. Ass. Mason.—Pet. f. Nov. 6.

**WILLIAM HARTLEY**, Hulme, labourer, Nov. 23 at 10, Salford: Off. Ass. Hulton; Sol. Gardner, Manchester.—Pet. f. Nov. 7.

**JAMES COOMBER**, Cliffe, near Rochester, Kent, labourer, Nov. 26 at 12, Rochester: Off. Ass. Acworth; Sol. Morgan, Maidstone.—Pet. f. Nov. 7.

**JOSEPH ROOK**, Boughton-under-the-Blean, Kent, slater, Nov. 25 at 11, Faversham: Off. Ass. Tassell; Sol. Fielding, Canterbury.—Pet. f. Nov. 7.

**EDWARD NOYES**, Chester, carver and gilder, Nov. 23 at 10, Chester: Off. Ass. Wason; Sol. Cartwright, Chester.—Pet. f. Nov. 7.

**WILLIAM RUFUS ELLIS**, Falmouth, Cornwall, auctioneer, Nov. 21 at 11, Falmouth: Off. Ass. Bulmore; Sol. Gunn, Falmouth.—Pet. f. Nov. 7.

**EDWARD SPENCER**, Shelf, Halifax, Yorkshire, police constable, Nov. 22 at 10, Halifax: Off. Ass. Dyson & Rankin; Sol. Jubb, Halifax.—Pet. f. Nov. 8.

## MEETINGS.

*Alfred Leman*, Poplar, Middlesex, commercial traveller, Dec. 5 at 2, London, last ex.—*Charles Farrer*, Moor-terrace, Park-road, Old Kent-road, Surrey, manufacturing chemist, Dec. 5 at 2, London, last ex.—*Charles Tunsickiff*, Tamworth, Warwickshire and Staffordshire, draper, Dec. 9 at 11, Birmingham, last ex.—*John Bush Mercer*, Bath, Somersetshire, carpenter, Dec. 10 at 11, Bristol, last ex.—*Joseph Todd*, Exmouth, Devonshire, gentleman, Dec. 16 at 12, Exeter, last ex.—*Edmond Curtis*, Blackworth, Dorsetshire, coal and coke merchant, Dec. 16 at 12, Exeter, last ex.—*James Hornby*, Liverpool, watch manufacturer, Dec. 11 at 11, Liverpool, last ex.—*Henry Worthington* and *William Gilbreath*, Guide, Lower Darwen, near Blackburn, Lancashire, cotton manufacturers, Dec. 6 at 12, Manchester, last ex.—*John Marshall Young*, Manchester, merchant, Dec. 20 at 12, Manchester, last ex.—*John Stevenson* and *Robert Stevenson*, Waldeen, Lancashire, cotton manufacturers, Dec. 20 at 11, Manchester, last ex.—*John Clarke*, Glossop, Derbyshire, tailor, Nov. 13 at 12, Manchester, last ex.—*Morris Hardman*, Patricroft, Lancashire, woollendrapier, Nov. 20 at 2, Manchester, last ex.—*Edwin Dene*, Manchester, bookseller, Nov. 20 at 12, Manchester, last ex.—*James Dean*, Chester, out of business, Nov. 20 at 10, Chester Castle, last ex.—*William Sharp* the younger, New Broad-street, City, underwriter, Nov. 25 at 11, London, pr. d.—*Theo. Lawrence* and *William Mortimer*, St. Mary-axe, City, leather factors, Nov. 26 at 1, London, pr. d.—*Henry John Hall*, Chapel-cosse, Berkshire, and Oxford, furrier, Nov. 29 at 12, London,

and ac.—*Charles Edward Alforth*, Barnes, Surrey, timber dealer, Nov. 29 at 1, London, aud. ac.—*Thos. Stinchcombe*, Cloth-fair, City, woollendrapier, Nov. 29 at 12, London, aud. ac.—*John Carter*, West Hartlepool, Durham, builder, Nov. 29 at half-past 1, Newcastle-upon-Tyne, aud. ac.—*Sampson Estlin Clark*, West Hartlepool, Durham, shipchandler, Nov. 29 at 1, Newcastle-upon-Tyne, aud. ac.—*George Goodwin*, Manchester, auctioneer, Nov. 29 at 12, Manchester, aud. ac.; Dec. 6 at 12, div.—*Raymond D'Arcy Newton*, Warwick-square, City, advertising agent, Dec. 4 at 2, London, div.—*Wm. Parke Andrew*, Crutched-friars, City, wine merchant, Dec. 3 at 12, London, div.—*Thomas Williams*, Newport, Monmouthshire, printer, Dec. 5 at 11, Bristol, div.—*John Matthews*, Newent, Gloucestershire, hatter, Dec. 5 at 11, Bristol, div.—*John Carlyle*, Liverpool, line-draper, Dec. 3 at 11, Liverpool, div.—*Joseph Holroyd*, Winterton, Lincolnshire, chemist, Dec. 4 at 12, Kingston-upon-Hull, div.—*S. Wesley Handy Wade*, Leeds, spirits merchant, Dec. 9 at 11, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Edw. Simons*, Newgate-street, London, and Birmingham, lamp dealer, Dec. 4 at 1, London.—*Raymond D'Arcy Newton*, Warwick-square, City, advertising agent, Dec. 4 at 2, London.—*Joseph Thickbroom*, Paternoster-row, City, bookseller, Dec. 4 at half-past 2, London.—*Robert Edbrooke*, Bristol, brightsmith, Dec. 3 at 11, Bristol.—*Edward Nelson*, Birmingham, coal dealer, Dec. 9 at 11, Birmingham.—*Thos. Leavesley* and *Henry Leavesley*, Coventry, Warwickshire, silk dyers, Dec. 9 at 11, Birmingham.—*Henry Wm. Jones*, Wrexham, Denbighshire, draper, Dec. 3 at 11, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*James Frederick Ingledew*, Brighton, Sussex, coal merchant.—*Thomas Burgin* and *William Burgin*, Great Wigchester-street, City, upholsterers.—*John Bernard Behrends* and *Wm. Austin Nichols*, St. Mary-axe, City, general merchants.—*Robert Collins*, Mark-lane, City, dealer in hops.—*Henry Cockman*, Bexley New-town, Kent, oilman.—*Walter Stanton Bousfield*, Isle of Dogs, Middlesex, engineer.—*Jas. Burqui Gough*, Theberton-street, Liverpool-road, Islington, Middlesex, timber merchant.—*William Gibb*, Southampton, steam-engineer.—*David Bryon*, Amen-corner, Paternoster-row, City, bookseller.—*Alexander Petrie Standing*, Rochdale, Lancashire, ironfounders.—*Joseph Holroyd*, Winterton, Lincolnshire, chemist.—*Stephen Storry Smithson*, Kingston-upon-Hull, provision merchant.—*W. Dugard* the younger, Lapworth, Warwickshire, coach plater.—*George Hall Manley*, Birmingham, grocer.—*Wm. Banton Shroves* and *Chas. Shroves*, Burton-upon-Trent, Staffordshire, builders.—*Thos. Cooper* and *Henry Stephen Wallis*, Handsworth, Staffordshire, millers.—*Thos. Wilson*, Claverley, Shropshire, saddler.—*James Wood* the elder, Birmingham, builder.—*Peter Alder*, West Malvern, Worcestershire, builder.—*Nathan Kimberley Lloyd*, Birmingham, grocer.—*William Howls*, Little Stretton, Shropshire, licensed victualler.—*Jos. Mills*, Stratford-upon-Avon, Warwickshire, builder.—*Edwin Mose*, Birmingham, engineer.—*Charles Ross*, Walsall, Staffordshire, butcher.

## PARTNERSHIP DISSOLVED.

*Thomas Holland*, *Frederick Mazz Gregory*, and *J. H. Whitley*, Malvern and Upton-upon-Severn, Worcestershire, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Alexander Mackenzie*, Maryburgh, near Dingwall, horse dealer.—*Robert Frame*, Larkhall, joiner.—*Baird & Fisher*, Glasgow, chemical manufacturers.—*Robert Dey*, Fudhorn, Elginshire, merchant.—*Richard Nixon Morrison*, Glasgow, hat manufacturer.—*Rev. Alexander Lendrum*, Crieff, Perthshire, and Northend, Fulham, near London.—*Angus Urquhart*, Killearnan, Ross-shire, innkeeper.—*Joseph Brown*, Edinburgh, wine merchant.

The Right Hon. Stephen Lushington, D.C.L., Judge of the High Court of Admiralty, has appointed Frederick Augustus Lewis, of No. 7, Trafalgar-place East, Hackney-road, Shoreditch, to be a Commissioner to administer oaths in Admiralty.

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T T

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**EDWARD MILLS VINES**, Basingstoke, Southampton, corn dealer, Nov. 26 at 3, London: Off. Ass. Cannan; Sol. Lott, 44, Parliament-street.—Pet. f. Nov. 11.

**WILLIAM LUNT**, Mitcham, Surrey, market gardener, Nov. 26 at 2, London: Off. Ass. Cannan; Sol. Parry, Croydon, Surrey.—Pet. f. Nov. 11.

**ROBERT CAMPBELL MACRAE**, Melrose-villa, South Norwood, Surrey, merchant, Nov. 26 at half-past 2, London: Off. Ass. Cannan; Sol. Hewitt, 4, Princes-st., Bank.—Pet. f. Nov. 11.

**THOMAS RUTHERFORD DICKINSON**, Battersea-row, Surrey, clerk in holy orders, Nov. 26 at 11, London: Off. Ass. Cannan.—Pet. f. Nov. 8.

**EDWARD RICHARDS**, Adam-street, Adelphi, Middlesex, commission agent, Nov. 30 at half-past 10, London: Off. Ass. Cannan; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. Nov. 12.

**HENRY ROBERT WILLCOCK**, Postern-row, Tower-hill, Middlesex, tobacconist, Nov. 30 at 11, London: Off. Ass. Cannan; Sol. Philby, 3, Fenchurch-buildings.—Pet. f. Nov. 12.

**JAMES EDWARD PRIOR**, Eden-place, Old Kent-road, Surrey, out of business, Nov. 30 at 10, London: Off. Ass. Cannan; Sol. Wells, 47, Moorgate-street.—Pet. f. Nov. 12.

**JOSEPH HALL**, High-street, Battersea, Surrey, colour grinder, Nov. 30 at half-past 11, London: Off. Ass. Cannan; Sol. Giles, 44, Bedford-row.—Pet. f. Nov. 13.

**JAMES ANDERSON**, Church-street, Hackney, Middlesex, colourman, Nov. 30 at 1, London: Off. Ass. Cannan; Sol. Taylor & Jaquet, 15, South-street, Finsbury.—Pet. f. Nov. 13.

**JOHN OVERHAGE**, Sherrard-street, Golden-square, Middlesex, general dealer, Nov. 30 at 12, London: Off. Ass. Cannan; Sols. Symson & Warner, 7, Golden-square.—Pet. f. Nov. 12.

**JOHN HOWS**, Brentwood, Essex, butcher, Nov. 30 at half-past 12, London: Off. Ass. Cannan; Sol. Preston, 14, Broad-street-buildings.—Pet. f. Oct. 22.

**HENRY BROOK NAYLOR**, Wellington-place, Southampton-street, Camberwell, Surrey, plumber, Dec. 6 at 10, London: Off. Ass. Cannan; Sols. Ody & Padden, 3, New Boswell-court.—Pet. f. Nov. 13.

**CHARLES DRAKE**, Queen's-terrace, Dalston, and Robson's-row, High-street, Kingsland, Middlesex, attorney-at-law (now a prisoner in the Debtors Prison for London and Middlesex), Dec. 6 at 11, London: Off. Ass. Cannan; Sols. Lewis & Lewis, 10, My-place, Holborn.—Pet. f. Nov. 14.

**JOHN CAMPBELL**, New Suffolk-street, Turner-street, Commercial-road East, Middlesex, comedian, Nov. 27 at 10, London: Off. Ass. Pennell; Sol. Beard, 10, Basinghall-street, London.—Pet. f. Nov. 8.

**HENRY WILLIAM HUNT**, Gravesend, Kent, and Sperrad, Bermondsey, Surrey (now a prisoner in Horse-monger-lane Gaol), Nov. 26 at 10, London: Off. Ass. Pennell.

**GEORGE HAWKER**, Hickman's-folly, Bermondsey, Surrey (now a prisoner in Horse-monger-lane Gaol), Nov. 26 at 10, London: Off. Ass. Pennell.

**MARY GRIFFIN**, but in reality MARY DUBOIS, Ewell, Surrey (now a prisoner in Horse-monger-lane Gaol) Nov. 26 at 10, London: Off. Ass. Pennell.

**WILLIAM BARNES**, Croydon, Surrey, corn dealer, Nov. 29 at 3, London: Off. Ass. Pennell; Sol. Parry, Croydon, Surrey.—Pet. f. Nov. 11.

**ARCHER WITHEY**, Church-lane, Whitechapel, Middlesex, coach trimmer (now a prisoner in the Debtors Prison for London and Middlesex), Nov. 28 at half-past 10, London: Off. Ass. Pennell; Sol. Buchanan, 13, Basinghall-st., London.—Pet. f. Nov. 11.

**BENJAMIN RATCLIFFE BARLOW**, Keppel-terrace, King's-road, Chelsea, Middlesex, journeyman stonemason, Nov. 29 at half-past 1, London: Off. Ass. Pennell; Sol. Cooper, 9, Charing-cross, Middlesex.—Pet. f. Nov. 11.

**JOHN ALDERSTON PARRY**, Pollen-street, Hanover-square, Regent-street, Middlesex, coffee-house keeper, Nov. 29 at 2, London: Off. Ass. Pennell; Sol. Wells, 47, Moorgate-street, London.—Pet. f. Nov. 11.

**GEORGE HENRY JAMESON**, Ramsgate, Kent, auctioneer, Nov. 29 at 3, London: Off. Ass. Pennell; Sol. Clarke, 2, Stanley-place, Paddington-green, London.—Pet. f. Nov. 14.

**WILLIAM HOOPER WICKETT**, Leman-street, Goodman's-fields, Whitechapel, Middlesex, baker, Dec. 2 at 10, London: Off. Ass. Pennell; Sol. Spiller, 3, South-place, Finsbury, Middlesex.—Pet. f. Nov. 12.

**STEPHEN ALEXANDER OUTTERIDGE**, Singleton-st., South Hoxton, Middlesex, dealer in pickles, Nov. 30 at 10, London: Off. Ass. Pennell; Sol. Fry, 6, Dances-inn, Strand, London.—Pet. f. Nov. 12.

**HENRY RICHARD HAMP**, Milcombe, Oxfordshire, farmer, Nov. 30 at half-past 10, London: Off. Ass. Graham; Sol. Barker, 7, Furnival's-inn, London.—Pet. f. Nov. 13.

**DANIEL CALLAHAN**, James-street, Oxford-street, Middlesex, greengrocer, Nov. 30 at 12, London: Off. Ass. Graham; Sol. Philby, 26, Bucklersbury, London.—Pet. f. Nov. 11.



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## THE JURIST.

LONDON, NOVEMBER 23, 1861.

WHEN Mr. Edwin James, Q. C., was disbarred by the Benchers of the Inner Temple on the 18th July last (having previously resigned his seat as member for Marylebone, and his office as recorder of Brighton), we duly notified that fact, and also his notice of intention to appeal to the judges against the decision of the Benchers (ante, p. 289); and in a subsequent number (ante, p. 315) we made some remarks on the secrecy observed in the matter, and expressed our surprise that, when so strong an act of authority was exercised, no information as to the grounds on which it was based was given to the public, or even to the Profession.

The latest news from America confirms us in the views expressed on that occasion. It now appears that Mr. James has been admitted to practise as a barrister in America, and this is announced by *The New York Times* in the following terms:—

“In the Supreme Court yesterday afternoon (Justices Clarke, Sutherland, and Barnard presiding) the distinguished British member of Parliament and Queen's counsel, Mr. Edwin James, was admitted to the New York bar. It is understood that he intends to make this city his home, and that he will enter at once upon the practice of the profession in which he has won such conspicuous honours abroad. In spite of the barriers that oppose the progress of mere talent, however great, to high success in England, Mr. James had achieved, without the slightest aid from aristocratic connexions, the very high distinction of standing among the foremost members of the British bar. Since the elevation of Sir Frederick Thesiger to the Chancellorship, and that of Sir Alexander Cockburn to the Chief Justiceship of the Queen's Bench, he has been almost without a rival in some branches of the Profession. As a parliamentary counsel, even previous to their elevation, he held the highest position. No member or petitioner believed his chances secure

until Mr. James had been retained; and the statute-book of England is indebted to him for the new Bankruptcy Act, and many of the wisest measures which have marked the course of legal reform in the past few years. In all the ‘causes célèbres’ which have awakened interest here he has figured as leading counsel either for the prosecution or defence. The conduct of the case against Palmer, in the celebrated Rugeley poisoning, was committed to him. In the prosecution of Bernard for conspiracy against the life of Louis Napoleon he led for the defence, and his eloquent vindication is almost as familiar among us as it is over Europe. But recently, in the case of *Colonel Dickson v. The Earl of Wilton*, he did battle for the soldier's rights and honour against the whole power of the Court and the Horse Guards, and obtained a verdict of 20,000 dollars. As a statesman, representing Marylebone, the largest and wealthiest constituency in England, he has been the unvarying advocate of every measure calculated to enlarge the liberties, unchain the industry, and advance the freedom of the people. His parliamentary career has been chiefly made remarkable by his advocacy of Italian unity and liberty, of which in the House he was regarded as the special champion, and into which cause he threw himself with the most eager enthusiasm. At the end of the session of 1860 he hurried off to Italy, and, after passing some time with Count Cavour at his country seat near Turin, was despatched by him in a Piedmontese frigate to join Garibaldi, by whose side he remained as counsellor and companion during the glorious campaign of Italian freedom. He took part in the battles of Caprea and Volturino, and accompanied Garibaldi alone in his carriage on his triumphal entry into Naples. Nor was it least due to his wise and friendly counsels that Garibaldi was saved from pursuing that mad course into which he was urged by wild theorists, and which at one time threatened to jeopardise all he had gained for Italy. On his return to the House of Commons he was known as the friend and vindicator of Garibaldi, and in upholding his views in the great debate

on Italian affairs in February last, in the House of Commons, closed an address of remarkable power in these striking and eloquent words:—‘The religion which Bossuet and Fénelon illustrated and adorned will endure for ages, but the temporal power of St. Peter is irrevocably doomed. In the exercise of the temporal power all that is good and holy is destroyed; every priest becomes a spy, and every bishop a policeman.’ In person and in manner Mr. James is an excellent specimen of the hale and hearty Englishman. He is a far more fluent and impressive speaker than most of the leading English orators, and has none of that half-stammering hesitation which to an American ear so sadly mars their best and most striking efforts. He is still in the prime of life, of laborious industry, eminently adroit and able in his management, especially of criminal cases, and quite able to hold his own against the consummate masters of law with whom he will come in contact among us. He will find them generous as well as formidable competitors for the high prizes of the Profession.”

Without pausing to dwell on the mass of misstatement, exaggeration, and rhodomontade contained in this article, we will confine ourselves to the *fact* which it announces, and to the position of affairs to which it gives rise. Mr. James, a Queen’s counsel, in a most eminent position at the English bar, is disbarred by his Inn of Court for causes not disclosed, but to which rumour attributes, and most probably with truth, a character much graver than the pecuniary embarrassments in which he was notoriously involved. He leaves this country, and establishes himself in America, where he is admitted a member of the bar, apparently without having undergone any course of studentship or preparation. There may, indeed, be nothing remarkable in this, for it is possible that, by the practice of the Supreme Court of New York, either no such probation is required, or an English barrister is entitled to be admitted to the bar in the same way as a graduate of one of our universities is entitled to his “*ad eundem*” in another. But it is hardly conceivable that the American Court which thus admitted Mr. James was ignorant of the fact of his having been disbarred in England, and almost equally inconceivable that they would have admitted him without a rigid inquiry into the circumstances which caused him to be disbarred; nor can we doubt that, if they made application for that purpose to the Inner Temple, the necessary information would have been given to them, although withheld from his countrymen at home.

If these premises are correct, one of these two consequences inevitably follows—either that Mr. James has been disbarred without cause, or for some insufficient reason—conduct of which we do not believe the Benchers of the Inner Temple capable, but which, if they are, we forbear to characterise; or that the Supreme Court of New York is willing to receive at its bar a man, very able it is true, but who has been dismissed with disgrace from ours for conduct which may have been such as to taint his honour, or even honesty, as an advocate, or his character as a gentleman.

An answer to the simple question, “What was Mr. Edwin James disbarred *for*?” would solve the whole difficulty.

## BELLIGERENT RIGHTS AT SEA.

(Continued from p. 450.)

“Nor were the benefits of the reforms in the old mode of warfare confined to neutrals. I have already alluded to the course of England in the preceding maritime wars of the present century, of seizing and condemning, as *droits of Admiralty*, vessels and other property found in her ports at the commencement of hostilities. In the late war ample time was allowed by all the belligerents to the merchant vessels of their enemies in their ports to quit them with their cargoes. A subsequent order not only authorised a neutral trade in neutral ships with the enemy’s ports, but it was allowed to be carried on by British subjects, provided neutral vessels were employed—the only restrictions on such trade being, that it should not extend to contraband, or articles to export which required a special permission, or to a violation of a blockade, and that British ships should not be permitted to enter a port in the occupation of the enemy. In these respects there was no important distinction between the ukases of Russia and the orders and decrees of England and France. Indeed, both as regards enemies and neutrals, except that the merchant vessels of a belligerent could not enter the ports of its enemy, the trade of the world was scarcely affected by the pending hostilities. The effect of the British Order in Council, and which was only of the same import with the corresponding French decree, was to leave the trade of England with neutrals, and even the indirect trade with Russia, in the same state as during the peace, so far as the law of the courts was concerned. By the Russian declaration, also, English and French goods, even though they belonged to subjects of those countries, were allowed to be imported under neutral flags, in accordance with the usual custom-house regulations. The doctrine of illegal trade with an enemy, to which theretofore the penalty of confiscation was attached, had thus no existence.

“Nor was the operation of these measures on the rights of neutrals unnoticed during the pendency of the war. They were, with a knowledge of their consequences, sustained in the British Parliament by the ministers of the day. Lord Clarendon early declared to the American minister in London, that, though professedly only temporary, the precedent could not be departed from in future wars. When at a later period complaint was made of the benefit accruing to Prussia from the indirect trade through her with Russia, it only led to an exposition, on the part of the President of the Board of Trade, of the effects of former attempts to crush commerce in time of war, shewing that ‘they had fostered immorality, fraud, and perjury.’

“The preceding reference has been made to the relaxations introduced during the Russian war into the relations of the belligerents with one another and towards neutrals, with a view to a proper appreciation of the action of the Congress of Paris. The obvious motive of the declaration of maritime principles was to extend and perpetuate that liberal policy which had to a great extent continued, during a period of war, the usual commercial intercourse of peace, confining to the State the evils incident to hostilities. It was, therefore, not requisite to make any further material changes in the practice of nations in order to attain the full accomplishment of that to which the

'declaration' would seem to have been directed—the entire separation from the producing classes of those whose appropriate functions are the business of war, and exempting the former from all the consequences incident to hostilities. The necessary result of this doctrine, in practice, would be the immunity of private property at sea as well as on land. So far as respects three of the articles of the 'declaration' there was no ambiguity. They were confirmatory of the principles acted on during the war. The rule that the neutral flag covers the enemy's goods, and that the goods of neutrals are not liable to capture under the enemy's flag, with the exception in both cases as to contraband, had, moreover, been, pending the war, made the subject of a convention between the United States and Russia; and as Spain and Mexico were with the United States, the only powers that did not give their assent to the entire declaration, it may not be irrelevant to notice that a treaty, to the same effect as the one with Russia, was concluded by the United States with Mexico, and that, according to the construction given by the Supreme Court to the subsisting treaty with Spain, its provisions on these points are equivalent. As was justly observed by the American Secretary of State, 'If there have been any disputes in regard to blockades, the uncertainty was about the facts, but not the law.' That in order to be binding they must be effective, whatever exceptional cases had existed in practice, was, at least, recognised in theory. The proposition for the abolition of privateering was a mistake, in confounding one of the means for the accomplishment of an object with the end to be attained. That the entire immunity of private property at sea would follow as a necessary consequence from the abolition of cruising by private owned vessels would seem to have been the impression of those who, long before the Congress of Paris, advocated that proposition. If that is not to be the case, the article is without object. It is fair, therefore, to presume that it was based on the supposition that, when there no longer exists a class of men to whom depredation on private property is the appropriate vocation, the right of capture of merchant ships, now exercised by the officers of the regular navy, must yield to the sentiments of an advanced civilisation. Consequently the addition which Mr. Marcy proposed to make to the privateer clause, viz. 'That the private property of the subjects or citizens of a belligerent on the high seas should be exempted from seizure by public armed vessels of the other belligerent, except it be contraband,' is a legitimate development of the true spirit of the 'declaration.'

"That the immunity of private property from all capture at sea has ever been deemed identical with the abolition of privateering, and the prohibition of letters of marque has always been sustained by arguments applicable to the general question, a reference to the writings of publicists who have discussed the subject, as well as to the language of treaties, will abundantly shew. The Abbé Mably, who is usually cited as the earliest author on public law who called attention to the matter, prefaces his condemnation of all captures of merchantmen, and of private property at sea, by inquiring why, when two nations go to war, they should interdict all reciprocal commerce, and declaring that the doing so is the remains of ancient barbarism. Galiani, though he speaks of the privateersman (armatore), does so only to oppose him to the military leader on land, in reference to the treatment of private property. It is sometimes supposed that Dr. Franklin and the King of Prussia were anticipated in their philosophical views by a convention, made as early as 1675, between Sweden and the United Provinces. I have found this treaty of commerce,

which is based on the immunity of trade, in Dumont, as in the 'Actes, &c. de la paix de Nimègue.' It was concluded during the pendency of a war, and reciprocally stipulates, as a means of avoiding annoyance to merchantmen and other property at sea, for the withdrawal of vessels furnished with the commissions of the two powers, and prohibits their subjects from taking commissions from other States to the prejudice of their commerce. By the recitals in the treaty of peace two years afterwards, it appears the convention had never been practically observed.

It is often alleged, that inasmuch as it was scarcely possible that the United States and Prussia should be brought into hostile collision, the philanthropical provision inserted in the treaty of 1785 was merely one of those declarations in which speculative theorists might safely indulge. The sincerity of Dr. Franklin is best shewn by the earnestness with which he pressed on Mr. Oswald, the negotiator of the first British treaty with the United States, the introduction of a similar article. Nor is it a slight confirmation of the views that I have endeavoured to express, that the abolition of privateering, and the immunity of private property, have been treated as indissolubly connected; that though, in all his letters, he refers in terms merely to the former, both in the draft for the British treaty, and in the article of that with Prussia, the specific clause against granting commissions to private armed vessels is a corollary to the exemption, expressed in the broadest language, of private property from injury or destruction, and of persons employed in the various peaceable pursuits of life from all molestation or inconvenience. The first article of the French decree of 1792 proclaimed the immunity of private property at sea; the second the abolition of privateering; and the executive authority was requested to negotiate with foreign powers on this basis. The proposition was only responded to by the city of Hamburg. The negotiations instituted by the United States with the different governments of Europe in 1823-4, and which were ineffectually renewed some years later with England during my connexion with the mission to your country, though popularly regarded as connected with privateering, had for their object the entire abolition of private war on the ocean.

"In proposing a new rule of international law, which can only be binding by obtaining an universal assent, it is not to be supposed that it can be so framed as to promote special interests, or that any one nation is to derive benefit from it to the prejudice of another. Unless the government is entirely separated from the individuals of the nation, and war confined to the former, the effect of surrendering the right of granting commissions to private armed cruisers would be to place the commerce of the world at the mercy of the power having the greatest military marine. If the consequence of the 'declaration' was to be, to increase the maritime preponderance of Great Britain and France, without even benefiting the general cause of civilisation (as their public ships would retain the right of capturing private property, while the United States, with a superior mercantile revenue, but comparatively without a navy, would be divested of all means of retaliation), it could hardly have been supposed that the measure would receive the necessary sanction. Indeed, the protocol of the Congress expressly declares that it would not be obligatory on the signers to maintain the principle of the abolition of privateering against those Powers which did not accede to it.

"That the American amendment was necessary to give to the 'declaration' of Paris full effect was soon recognised by most of the European Governments, as

I have reason to know from the perusal of the papers in the Department of State at Washington, which were placed at my disposition by the last Administration, with a view to the preparation of a second annotated edition of Wheaton's Elements. Among the minor maritime States there was a clear unanimity of sentiment, but they naturally awaited, before giving a formal reply, the answer of the Great Powers. The adhesion of Russia was promptly rendered. Prince Gortschakoff instructed, so early as September, 1856, the Russian Minister at Washington to communicate to Secretary Marcy a copy of his instructions to Baron Brurow. Their emphatic language induces me to insert an extract—'Your Excellency will have an opportunity, in Paris, of taking cognisance of Mr. Marcy's note, in which the American proposition is developed in that cautious and lucid manner which commands conviction. The Secretary of State does not argue the exclusive interests of the United States; his plea is put for the whole of mankind. It grows out of a generous thought, the embodiment of which rests upon arguments which admit of no reply. The attention of the Emperor has, in an eminent degree, been enlisted by the overtures of the American Cabinet. In his view of the question they deserve to be taken into serious consideration by the Powers which signed the Treaty of Paris. They would honour themselves should they, by a resolution taken in common, and proclaimed to the world, apply to private property on the seas the principle of inviolability which they have ever professed for it on land. They would crown the work of pacification which has called them together, and give it an additional guarantee of permanence. By order of the Emperor you are invited, Baron, to entertain this idea before the Minister of Foreign Affairs, and to apprise him forthwith, that should the American proposition become the subject of common deliberation among the Powers, it would receive a most decisive support at the hands of the representative of his Imperial Majesty. You are even authorised, Baron, to declare that our august master would be disposed to take the initiative of this question.' The American Minister at Paris was assured by Count Walewski, in November, 1856, that the French Government would agree to the 'declaration' as modified by us, though a formal assent was deferred with a view to consultation with the other parties to the Treaty of Paris. Prussia formally announced in May, 1857, to Mr. Cass, Secretary of State, who had replaced Mr. Marcy, that the Cabinet of Berlin gave its adhesion to the proposition made by the President of the United States to be added to the principles agreed on at Paris, declaring, at the same time, that 'if this proposition should become the subject of a collective deliberation, it can rely on the most marked support of Prussia, which earnestly desires that other States will unite in a determination, the benefits of which will apply to all nations.' Instructions had been given by President Buchanan to suspend negotiations, as was stated by Lord Palmerston in a debate in Parliament in July, 1857, before any official action was taken by the Government of Great Britain. Lord Palmerston, whatever changes his opinions may have undergone, had expressed himself favourably to the proposition at a public meeting in Liverpool; and we have, in the following despatch of Count Schreptovitch, a further evidence of the interest which Russia took in the establishment of the principle. 'I have,' he says, writing under date of November 3 (15), 1856, 'improved a favourable opportunity to converse with Lord Clarendon in relation to the condition which the Cabinet of Washington appends to its accession to the principles of maritime law embodied in the declaration of the 11th (16th) April, and have delivered

to him a copy of your Excellency's despatch under date of the 1st September. The Premier, in answer to my communication, stated to me that her Majesty's Government recognised, as a principle, the equity of the amendment proposed by the American Government, and that he saw no objection to make it the subject of a joint deliberation. He, however, added, that in the examination of the details of the question, it might find itself under the necessity of stipulating for certain reservations, which would be submitted at the proper time and place to the judgment of the Powers that are called to discuss the matter.'

"Whether the withdrawal of the Marcy amendment by the late Administration arose from a belief that the United States could not, in any event, surrender 'a mode of maritime warfare' held by the then Secretary of State 'to be peculiarly adapted to their condition and pursuits, and essential to their defence upon the ocean,' or whether it was thought, as was intimated by President Buchanan to the New York Chamber of Commerce, that the right of blockade, even as defined in 'the declaration of Paris,' would render inoperative the promised advantages to the pacific commerce of belligerents, is a matter which in no wise affects the principles of this discussion. I likewise abstain from adverting to the policy, of which I know nothing except from rumour, of the present Cabinet of Washington, which, it is said, repudiates the acts of its immediate predecessors, without, however, reviving the proposition which four years ago had so nearly united the suffrages of Christendom.

(To be continued).

## CALLS TO THE BAR.

THE following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—Lewis Morris, jun., Esq., M.A., Oxford, certificate of honour, first class; Edmund Wyndham, Esq., B.A.; William Edward Hall, Esq., M.A.; Charles Bextie Pullaine Bosanquet, Esq., M.A.; George Tyrrell, jun., Esq., B.A.; Sam. Hesse Behrend, Esq., M.A.; Hugh Earkie Blundell M'Calmont, Esq., B.A.; Edward Christopher Corballis, Esq., B.A.; Anthony John Anstruther Wilkinson, Esq., B.A.; Edmund Story Maskelyne, Esq., B.A.; Henry Brougham Miller, Esq.; Edward Thurston Holland, Esq., B.A.; and William Lethbridge, Esq., M.A.

INNER TEMPLE.—Henry Pendock St. George Tucker, Esq.; William Gerard Lysley, Esq., M.A.; John Pope Hennessy, Esq., M.P.; Richard Roupell, Esq.; Henry Charles Ross Johnson, Esq.; William Bayly Heath, Esq., B.A.; Robert Draper Johnson, Esq., B.A.; William Joseph Budge, Esq.; William Carew Hazlett, Esq.; Herbert George Denman Croft, Esq., B.A.; and Stanley Leighton, Esq.

MIDDLE TEMPLE.—William Bradford, Esq., M.A.; Walter Shelley, Esq.; Herbert Cowell, Esq.; and John Cashel Hoey, Esq. Charles Philip Cooper, Esq., has permission to practice under the Bar.

GRAY'S INN.—Joseph Burgin, Esq., and William Nicholson, Esq.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed Adam Burn, Gent., of No. 14, Great Carter-lane, Doctors' Commons, to be a London Commissioner to administer oaths in the High Court of Chancery.

LIST OF SHERIFFS, NOMINATED BY THE  
LORDS OF THE COUNCIL, FOR 1862.

**Bedfordshire**—Crewe Alston, Esq., Odell.  
Benjamin Helps Stacey, Esq., Milton Earnest.  
Robert Henry Lindsell, Esq., Biggleswade.

**Berkshire**—R. Campbell, Esq., Buscot Park, near Faringdon.  
James Blyth, Esq., Woolhampton House.  
Richard Hall Say, Esq., Oakley Court, Bray.

**Buckinghamshire**—William Pennington, Esq., Fernacres.  
Philips Crosby Lovett, Esq., Liscombe House.  
The Hon. Percy Barrington, Westbury.

**Camb. & Hunt.**—John Richardson Fryer, Esq., Crow Hall,  
Downham Market.  
Henry Martin, Esq., Littleport.  
Sir Henry Peyton, Bart., Doddingdon.

**Cheshire**—Thomas Aldersey, Esq., Aldersey Hall.  
John Ralph Shaw, Esq., Arrow Hall, Birkenhead.  
Sir Charles W. Shakerley, Bart., Somersford Park.

**Cornwall**—Thomas Tristram Spry Carlyon, Esq., Tregrehan.  
John Michael Williams, Esq., Caerhays Castle.  
Thomas Simon Bolitho, Esq., Penalvern.

**Cumberland**—Samuel Lindow, Esq., Cleator.  
W. N. Hodgson, Esq., Newby Grange, Carlisle.  
Thomas Brocklebank, Esq., Greenlands.

**Derbyshire**—Haughton C. Okeover, Esq., Okeover Hall.  
Sir Henry Flower Every, Bart., Eggington.  
Sir Henry Des Vœux, Bart., Drakelow.

**Devonshire**—Major-General Edward Studd, Oxton.  
Sir G. Stucleys Stucleys, Hartland Abbey, Hartland.  
The Hon. Mark George Kerr Rolle, Stevenstone.

**Dorsetshire**—Joseph Gundry, Esq., The Hyde, Bridport.  
Charles Wriothesley Digby, Esq., Studland.  
George Whieldon, Esq., Wyke House, Gillingham.

**Durham**—George Henry Surtees, Esq., Dinsdale.  
John Hildyard, Esq., Horsley.  
John Robert Westgarth Hildyard, Esq., Horsley.

**Essex**—Joseph S. Leacher, Esq., Boyles Court, Brentwood.  
Sir Wm. Bowyer Smith, Bart., Hill Hall, Epping.  
George Palmer, Esq., Nazing.

**Gloucestershire**—Sir George Samuel Jenkinson, Bart., East-  
wood, near Berkeley.  
P. W. S. Miles, Esq., King's Weston, near Bristol.  
Goodwin Charles Colquitt Craven, Esq., Brock-  
hampton Park, near Cheltenham.

**Herefordshire**—John H. Arkwright, Esq., Hampton Court.  
Stephen Allaway, Esq., Courtfield.  
Thomas Reaveley, Esq., Kinnersley Castle.

**Hertfordshire**—John Hodgson, Esq., Gilston Park.  
Samuel Richard Block, Esq., Barnet.  
Money Wigram, Esq., Much Hadham.

**Kent**—H. Bannerman, Esq., Hunton Court, near Maidstone.  
Samuel Long, Esq., Bromley.  
Wynne Ellis, Esq., Whitstable.

**Leicestershire**—James B. Winstanley, Esq., Braunstone.  
Edwyn Burnaby, Esq., Baggrave Hall.  
The Hon. Henry Littleton Powys Keck, Stoughton.

**Lincolnshire**—Thomas John Dixon, Esq., Bolton-le-Moor.  
Rowland Winn, Esq., Appleby.  
George Charles Uppley, Esq., Barrow.

**Monmouthshire**—James Jamieson Cordes, Esq., Bryn Glas,  
near Newport.  
Joseph Davies, Esq., Tyisat, Bedwas, near Newport.  
John Best Snead, Esq., Chepstow.

**Norfolk**—Robert John Harvey Harvey, Esq., Brundall.  
Henry Jas. Lee Warner, Esq., Little Walsingham.  
Joseph Stonehewer Scott Chad, Esq., Thursford.

**Northamptonshire**—Wm. Smyth, Esq., Little Houghton.  
George Ashby Ashby, Esq., Naseby.  
Alfred Rush, Esq., Farthinghoe.

**Northumberland**—John Cookson, Esq., Meldon Park.  
Watson Askew, Esq., Pallinsburn.  
Charles Cuthbert Shafto, Esq., Bayington Hall.

**Nottinghamshire**—T. B. T. Hildyard, Esq., Flintham House.  
John Henry Manners Sutton, Esq., Kelham.  
John Chaworth Musters, Esq., Annesley.

**Oxfordshire**—Edward Mackenzie, Esq., Fawley Court.  
Emilius Watson Taylor, Esq., Headington.  
Charles Edward Thornhill, Esq., Woodleys.

**Rutlandshire**—Hon. Wm. Charles Evans Freke, Bisbrooke.  
Hon. Henry Lewis Noel, Exton Park.  
Charles Ormston Eaton, Esq., Tixover.

**Shropshire**—Sir Vincent R. Corbet, Bart., Acton Reynold.  
Thomas Charlton Whitmore, Esq., Apley Park.  
David Francis Atcherley, Esq., Marton.

**Somersetshire**—Ralph N. Grenville, Esq., Butleigh Court.  
William Speke, Esq., Jordans.  
George Treweeke Scobell, Esq., Kingwell.

**Southampton**—Sir Henry Bouverie Paulet St. John Mild-  
may, Bart., Dogmersfield Park, Winchfield.  
Melville Portal, Esq., Laverstoke House, Mitchel-  
dever Station.  
James Winter Scott, Esq., Rotherfield Park, Alton.

**Staffordshire**—Henry Killick, Esq., Walton Hall.  
Newton John Lane, Esq., Elmhurst.  
Ralph Thomas Adderley, Esq., Darlaston.

**Suffolk**—Sir John R. Blois, Bart., Cockfield Hall, Yoxford.  
John William Brooke, Esq., Sibton Park.  
Sir George Nathaniel B. Middleton, Bart., Nacton.

**Surrey**—Joseph Godman, Esq., Park Hatch, Godalming.  
Sir John A. Cathcart, Bart., Cooper's Hill, Egham.  
Lewis Lloyd, Esq., Monk's Orchard, near Croydon.

**Sussex**—The Hon. John Jarvis Carnegie, Fair Oak, Rogate.  
Herbert M. Curteis, Esq., Windmill Hill, Warringling.  
William L. Woods, Esq., Chilgrove, Chichester.

**Warwickshire**—The Hon. C. L. Butler, Coton House, Rugby.  
C. M. Caldecott, Esq., Holbrook Grange, Rugby.  
Joseph Townsend, Esq., Alveston House, Stratford.

**Westmoreland**—Lieutenant-Colonel Frederic Gandy, Heaves  
Lodge, Kendal.  
William Wilson, Esq., High Park.  
Matthew Thompson, Esq., Kirkby Stephen.

**Wiltshire**—J. E. M. Prower, Esq., Purton House, Swindon.  
Thomas Fraser Grove, Esq., Fern.  
John L. Phipps, Esq., Leighton House, Westbury.

**Worcestershire**—Sir Edmund Anthony Harley Lechmere,  
Bart., The Rhyd, Worcester.  
R. Hemming, Esq., Bentley Manor, Bromsgrove.  
Harry Foley Vernon, Esq., Hanbury Hall.

**Yorkshire**—William Frederick Webb, Esq., Pepper Hall,  
near South Cowton, Northallerton.  
G. Wentworth, Esq., Woolley Park, near Wakefield.  
J. H. Barton, Stapleton Park, near Pontefract.

## WALES, NORTH AND SOUTH.

**Anglesey**—Robert Davies, Esq., Bwlchysfen.  
The Hon. Florence George Henry Irby, Llanidan.  
Robert Lloyd Parry, Esq., Tregaiian.

**Breconshire**—David Watkins Lloyd, Esq., Aberllech.  
John Dillwyn Llewelyn, Esq., Panty-corrred.  
Thomas De Winton, Esq., Cefn Cantreff.

**Cardiganshire**—Herbert Vaughan, Esq., Brynog.  
Pryse Lewis, Esq., Gwaatod, near Lampeter.  
J. G. P. Hughes, Esq., Alltwyd.

**Carmarthenshire**—J. P. W. Gwynne Holford, Esq., Cilgwyn.  
Col. John Stepney Cowell Stepney, Llanelly House.  
Sir William Robert Clayton, Bart., Alltynadno.

**Carnarvonshire**—David Williams, Esq., Llanerch-y-Gert.  
John Wyatt, Esq., Plas Gor Garth.  
John William Jones, Esq., Hafod-y-Llan.

**Denbighshire**—Boscawen Trevor Griffith, Esq., Trevallyn  
Hall, Wrexham.  
Sir Hugh Williams, Bodelwyddan.  
John Lloyd, Esq., Rhagatt.

**Flintshire**—Philip Pennant Pennant, Esq., Bodfari.  
Charles Butler Clough, Esq., Llwyn Offa.  
William Barber Buddicom, Esq., Penbedw Hall.

**Glamorganshire**—Sir Ivor Bertie Guest, Bart., Sully House.  
John W. N. Carne, Esq., D.C.L., Dimlands Castle.  
Henry Thomas, Esq., Presawylla.

**Merionethshire**—Charles Ansell, Esq., Glanrhiadr.  
Samuel Holland, Esq., Plas-y-n-Pentryn.  
Howel Morgan, Esq., Hengwr-tuchaf.

**Montgomeryshire**—John Lomax, Esq., Bodfach.  
Thomas Browne Browne, Esq., Mellington.  
Valentine Vickers, Esq., Brimford.

**Pembrokeshire**—J. Bevan Bowen, Esq., Llwngwair, Newport.  
William Rees, Esq., Scoveston.  
T. Davies Lloyd, Esq., Bronwydd, Cardiganshire.

**Radnorshire**—Walter De Winton, Esq., Maesllwch Castle.  
Henry Thomas, Esq., Pencerrig.  
Sir J. R. Bailey, Bart., Glanusk Park, Breconshire.

### BOOK RECEIVED.

A Treatise upon the Customary Law of Foreign Attachment, and the Practice of the Mayor's Court of the City of London therein; with Forms of Procedure. By Woodthorpe Brandon, Esq., of the Middle Temple, Barrister-at-Law.—Butterworths. 1861.

### COURT OF QUEEN'S BENCH.

MICHAELMAS TERM, 25 VICT.—Nov. 15, 1861.

This Court will hold sittings on Tuesday, the 26th, and Wednesday, the 27th days of November instant, and will at such sittings proceed in disposing of the cases in the New Trial, Special, and Crown Papers, and any other matter then pending.

BY THE COURT.

**JURIDICAL SOCIETY.**—The first meeting of this society for the season took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 18th November, Mr. C. Clark in the chair; when a paper was read by Mr. Westlake "On the plan of M. Boutarel for replacing patents by a public remuneration of inventors." The chairman, Baron Bramwell, and Mr. T. Webster having addressed the meeting, the discussion was adjourned.

**SAMUEL TURNER**, Princes-street, Deptford, Kent, out of business, Nov. 26 at 1, London: Off. Ass. Graham; Sol. Wells, 47, Moorgate-street, London.—Pet. f. Nov. 11.

**THOMAS CHARLES GILL**, Manchester-street, Manchester-square, Middlesex, out of business, Nov. 27 at 3, London: Off. Ass. Graham; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Nov. 12.

**CHARLES HENRY JOBERNS**, Martin's-lane, Cannon-street, City, out of employ, Nov. 27 at half-past 2, London: Off. Ass. Graham; Sol. Cranch, 15, London-street, Fenchurch-street.—Pet. f. Nov. 12.

**FREDERICK WITHERS BUTLER**, Alveescott, Oxfordshire, out of business, Nov. 25 at 2, London: Off. Ass. Graham; Sols. Williams, Oxford; J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Nov. 8.

**WILLIAM STEVENS**, Lupus-street, Pimlico, Middlesex, commission agent, Nov. 30 at 11, London: Off. Ass. Stansfeld; Sol. Godfrey, 5, South-square, Gray's-inn, London.—Pet. f. Nov. 12.

**WILLIAM ASPLAND**, Soham, Cambridgeshire, journeyman harness maker, Nov. 30 at half-past 11, London: Off. Ass. Stansfeld; Sols. Kitchen & Fenn, Newmarket; Aldridge & Bromley, Gray's-inn, London.—Pet. f. Nov. 13.

**WILLIAM PERRIN**, East Malling, Kent, farmer, Nov. 27 at 2, London: Off. Ass. Stansfeld; Sols. Few & Cole, 40, Wellington-street, Southwark.—Pet. f. Nov. 12.

**JAMES BENNETT**, Norwich, tailor, Nov. 26 at half-past 1, London: Off. Ass. Stansfeld; Sol. Reed, 3, Gresham-street, London.—Pet. f. Nov. 2.

**WILLIAM FOWLES**, Bermondsey-street, Surrey, butcher, Nov. 26 at 11, London: Off. Ass. Stansfeld; Sol. Dalton, 3, Bucklersbury, London.—Pet. f. Nov. 5.

**RICHARD DAVIES**, Fleming-street, Kennington-park, Surrey, attorney's clerk (now a prisoner in Horsemonger-lane Gaol), Nov. 26 at 2, London: Off. Ass. Stansfeld.—Pet. f. Nov. 11.

**JOHN MANN**, Church-row, Stepney, Middlesex, general provision dealer, Nov. 30 at half-past 2, London: Off. Ass. Edwards; Sol. Abbott, 1, St. Mark-street, Great Prescott-street, London.—Pet. f. Nov. 12.

**GEORGE JEAN DE WINTON DE WINTON**, Milk-street, Cheapside, City, woollen warehouseman (now a prisoner in Wilton Castle, Taunton), Nov. 27 at half-past 1, London: Off. Ass. Stansfeld; Sol. Reed, 1, Guildhall-chambers, London.—Pet. f. Nov. 9.

**RUTH MOORE**, North-street, Lambeth, Surrey (now a prisoner in Horsemonger-lane Gaol), Dec. 2 at 10, London: Off. Ass. Edwards.—Pet. f. Nov. 12.

**HENRY SMITH**, St. Thomas-street, Borough, Surrey (now a prisoner in Horsemonger-lane Gaol), Dec. 2 at half-past 11, London: Off. Ass. Edwards.

**JULES GEORGE KAMMERER**, Bear-street, Leicester-square, Middlesex, victualler (now a prisoner in the Debtors Prison, London), Nov. 30 at 2, London: Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane, London.—Pet. f. Nov. 12.

**JOHN BIGSBY**, Old Ford, Bow, Middlesex, attorney's clerk (now a prisoner in Whitecross-street Prison), Dec. 2 at 10, London: Off. Ass. Edwards; Sol. Wyatt, 2, Cophall-court, London.—Pet. f. Nov. 13.

**SAMUEL BAILES**, George-street, Portman-square, Middlesex, grocer's assistant, Dec. 2 at 11, London: Off. Ass. Edwards; Sol. Hare, 19, Crescent, Jewin-street, London.—Pet. f. Nov. 13.

**WILLIAM LANGRIDGE**, Charles-street, Westbourne-terrace, Middlesex, builder, Dec. 2 at half-past 12, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Nov. 12.

**JAMES CAMPBELL SHAW**, Southampton, Hampshire, rag merchant, Dec. 2 at 1, London: Off. Ass. Edwards; Sol. Solomon, 22, Finsbury-place, London.—Pet. f. Nov. 14.

**THOMAS GEORGE WEBB**, Bishops Stortford, Hertfordshire, veterinary surgeon, Dec. 2 at 2, London: Off. Ass. Edwards; Sol. Preston, 15, Broad-street-buildings, London.—Pet. f. Nov. 11.

**FREDERICK COOPER**, Portobello, near Wolverhampton, Staffordshire, lunkeeper (now a prisoner in Stafford Prison), Dec. 3 at 11, Birmingham: Off. Ass. Whitmore.

**JAMES OVERS BATE**, Wednesfield and Willenhall, Staffordshire, iron merchant, Nov. 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Nov. 12.

**WILLIAM DUNN**, Birmingham, iron broker, Dec. 2 at 11, Birmingham: Off. Ass. Whitmore; Sols. Hodgson & Allen, Birmingham.—Pet. f. Nov. 13.

**JOHN CLARKE**, Leamington, Warwickshire, estate agent and Coventry, pawnbroker, Dec. 3 at 11, Birmingham: Off. Ass. Whitmore; Sols. Powell & Son, Birmingham.—Pet. f. Nov. 14.

**THOMAS PITT STOKES**, Dudley, Worcestershire, auctioneer, Dec. 2 at 11, Birmingham: Off. Ass. Whitmore.

**WILLIAM HENRY WHITE**, Birmingham, builder, Dec. 2 at 11, Birmingham: Off. Ass. Whitmore.

**WILLIAM BROOKES**, Birmingham, shoe manufacturer, Dec. 2 at 11, Birmingham: Off. Ass. Whitmore.

**JOSEPH SMITH**, Birmingham, ale and porter dealer (now a prisoner in Warwick Gaol), Dec. 2 at 11, Birmingham: Off. Ass. Kinnear.

**WILLIAM BATTIN**, Birmingham, licensed victualler, Dec. 2 at 11, Birmingham: Off. Ass. Kinnear.

**JOSEPH CLARKE**, Coventry, clothier (trading with John Clarke, under the firm of Clarke & Son, pawnbrokers), Nov. 28 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. f. Nov. 13.

**JOHN SHUBOTHAM and JAMES BRABIN**, Newcastle-under-Lyme, Staffordshire, wine merchants, Dec. 5 at 11, Birmingham: Off. Ass. Kinnear; Sols. Knight & Udall, Newcastle; James & Knight, Birmingham.—Pet. f. Nov. 12.

**JOHN KIRWAN**, Birmingham, dyer, Nov. 28 at 11, Birmingham: Off. Ass. Kinnear; Sol. Assinder, Birmingham.—Pet. f. Nov. 14.

**HARRIET WHALLEY**, spinster, Forebridge, Castlechurch, Staffordshire (now a prisoner in Stafford Gaol), Dec. 3 at 11, Birmingham: Off. Ass. Kinnear.

**WILLIAM ASTON**, Perry-bar, Handsworth, Staffordshire, locksmith (now a prisoner in Stafford Gaol), Dec. 3 at 11, Birmingham: Off. Ass. Kinnear.

**JOSEPH HAWKEY**, Carroggett, Tywardreath, Cornwall, farmer, Nov. 27 at 12, Exeter: Off. Ass. Hirtzel; Sols. Commins, Bodmin; Turner & Hirtzel, Exeter.—Pet. f. Nov. 13.

- CHARLES CALVERT MANSEERGH NICHOLSON**, Nottingham, land agent, Dec. 17 at 11, Nottingham: Off. Ass. Harris.
- THOMAS LEAKE**, Nottingham, upholsterer, Dec. 17 at 11, Nottingham: Off. Ass. Harris.
- CHARLES COLLINS**, Bourn, Lincolnshire, hatter, Dec. 3 at 11, Nottingham: Off. Ass. Harris; Sols. W. & R. Enfield & Co., Nottingham.—Pet. f. Nov. 14.
- JAMES WILDES**, Charles-street, Goswell-road, Middlesex, out of business, Nov. 26 at 1, Bristol: Off. Ass. Acraman; Sol. Wilkes, Gloucester.—Pet. f. Oct. 31.
- RICHARD HOWELL**, Bristol, general dealer (now a prisoner in the Devon County Gaol), Dec. 2 at 12, Bristol: Off. Ass. Acraman; Sol. Brittan, Bristol.
- EDMUND BEATTY LOCKYER**, Plymouth, Devonshire (now a prisoner in the Devon County Gaol), Nov. 27 at 12, Exeter: Off. Ass. Hirtzel.
- JOHN MASEY**, Hemyock, Devonshire, butcher, Nov. 26 at 12, Exeter: Off. Ass. Hirtzel; Sols. Reed, Bridgwater; Clarke, Exeter.—Pet. f. Nov. 12.
- JOSEPH WINTERBURN**, Guiseley, Yorkshire, cloth manufacturer, Nov. 2 at 11, Leeds: Off. Ass. Hope; Sols. Upton & Yewdall.—Pet. f. Nov. 12.
- THOMAS SCOTT**, Idle, Yorkshire, cloth manufacturer, Dec. 3 at 11, Leeds: Off. Ass. Hope; Sols. Upton & Yewdall, Leeds.—Pet. f. Nov. 12.
- JOHN FEARBY SUTCLIFFE**, Skircoat, Halifax, Yorkshire, cotton spinner, Dec. 4 at 11, Leeds: Off. Ass. Young; Sols. Wavall & Co., Halifax; Bond & Barwick, Leeds.—Pet. f. Nov. 13.
- HENRY WATSON**, Rotherham, Yorkshire, stove grate manufacturer, Nov. 30 at 11, Sheffield: Off. Ass. Young; Sols. Marsh & Edwards, Rotherham.—Pet. f. Nov. 13.
- JOHN CROWTHER**, Rotherham, Yorkshire, grocer, Nov. 30 at 11, Sheffield: Off. Ass. Young; Sols. Marsh & Edwards, Rotherham.—Pet. f. Nov. 13.
- JOHN NEALE**, Doncaster, Yorkshire, wholesale druggist, Nov. 30 at 11, Sheffield: Off. Ass. Young; Sols. Metcalfe & Son, Wisbeach; Clarke, Leeds.—Pet. f. Nov. 11.
- WILLIAM HAMER**, Great Grimsby, Lincolnshire, hosier, Nov. 27 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Brown & Son, Lincoln.—Pet. f. Nov. 13.
- WILLIAM MARMA DUKE FORSTER**, Bridlington, Yorkshire, wine merchant, Dec. 4 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Richardson, Bridlington; Clarke, Leeds.—Pet. f. Nov. 14.
- JOHN BRADFELD WINN**, Heckmondwike, Bristol, Yorkshire, innkeeper, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Scholes & Son, Dewsbury; Bond & Barwick, Leeds.—Pet. f. Nov. 14.
- WILLIAM RICHARDS CLAXTON**, Liverpool, auctioneer, Nov. 27 at 11, Liverpool: Off. Ass. Turner; Sol. Wilson, Liverpool.—Pet. f. Nov. 12.
- GUSTAVE SPEISER**, Liverpool, hotel keeper, Nov. 28 at 12, Liverpool: Off. Ass. Turner; Sol. Yates, jun., Liverpool.—Pet. f. Oct. 22.
- ANNIE MARIA BURTON**, Liverpool, outfitter, Nov. 28 at 11, Liverpool: Off. Ass. Turner; Sol. Yates, jun., Liverpool.—Pet. f. Nov. 11.
- JAMES WOOLLEY**, Chester, publican, Nov. 30 at half-past 11, Liverpool: Off. Ass. Turner.
- JOHN ROBERTS**, Neven, Carnarvonshire, master mariner, Nov. 30 at half-past 11, Liverpool: Off. Ass. Bird.
- JOHN GORDON RICE**, Liverpool, merchant, Nov. 29 at 12, Liverpool: Off. Ass. Bird; Sols. Evans & Co., Liverpool.—Pet. f. Nov. 14.
- PETER SWIFT**, Liverpool, builder, Dec. 2 at half-past 11, Liverpool: Off. Ass. Morgan.
- HENRY PUGH MUSGROVE OWEN**, Pentrefelin, Ynys-y-hawrn, Carnarvonshire, land surveyor, Dec. 2 at 12, Liverpool: Off. Ass. Morgan.
- WILLIAM DODD**, Birkenhead, Cheshire, provision dealer, Dec. 2 at 11, Liverpool: Off. Ass. Morgan.
- JAMES HENRY BEESLEY**, Birkenhead, Cheshire, builder, Nov. 30 at 11, Liverpool: Off. Ass. Bird.
- JOSEPH ENTWISTLE**, Longsight, Lancashire, out of business, Nov. 26 at 11, Manchester: Off. Ass. Pott; Sol. Eltoft, Manchester.—Pet. f. Nov. 13.
- THOMAS SUTCLIFFE SLADEN**, Manchester, silk broker, Nov. 26 at 12, Manchester: Off. Ass. Pott; Sol. Chambers, Manchester.—Pet. f. Nov. 11.
- JOSEPH HEAP**, Stalybridge, Lancashire, pawnbroker, Nov. 25 at 1, Manchester: Off. Ass. Pott; Sols. Sykes, Huddersfield; Sale & Co., Manchester.—Pet. f. Nov. 8.
- CHARLES WHITLEY and JOSEPH WHITLEY**, Manchester, engineers (trading under the style of Charles Whitley & Co.), Nov. 25 at 12, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Pet. f. Nov. 13.
- ROBERT SCOTT and JOHN FORSTER**, Newcastle-upon-Tyne, linendrapers (trading under the style or firm of Scott & Forster), Nov. 25 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne.—Pet. f. Nov. 11.
- EDWARD ASHTON**, Newcastle-upon-Tyne, draper, Nov. 26 at 12, Newcastle-upon-Tyne: Off. Ass. Baker.
- MARY ANN DARBYSHIRE**, otherwise LUCY SMITH, Liverpool, lodging-house keeper, Nov. 27 at 2, Liverpool: Off. Ass. Hime; Sol. Roby, Liverpool.—Pet. f. Nov. 7.
- FRANCIS HOLME**, Liverpool, butcher, Dec. 6 at 12, Liverpool: Off. Ass. Hime; Sol. Husband, Liverpool.—Pet. f. Oct. 30.
- HARRY WINKWORTH**, Bursledon, Hampshire, brewer, Nov. 28 at 11, Southampton: Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Nov. 11.
- JOHN LANCELOT NICHOLSON**, Sandown, Isle of Wight, grocer, Nov. 26 at 11, Newport: Off. Ass. Blake; Sol. Eldridge, Newport.—Pet. f. Nov. 12.
- GEORGE COOKE**, Knighton, Islington, Devonshire, upholsterer, Nov. 26 at 11, Newton Abbott: Off. Ass. Pidsley; Sol. Michellmore, Newton Abbott.—Pet. f. Oct. 31.
- HENRY HOWARTH**, Baglsate, Rochdale, Lancashire, farmer, Nov. 27 at 11, Rochdale: Off. Ass. Woods; Sol. Standing, jun., Rochdale.—Pet. f. Nov. 11.
- WILLIAM CULLEY**, West Stockwith, Nottinghamshire, innkeeper, Nov. 29 at 11, Gainsborough: Off. Ass. Burton; Sol. Bladon, Gainsborough.—Pet. f. Nov. 11.
- JOHN MILES and ANDREW MILES**, Banbury, Oxfordshire, coach builders, Nov. 26 at 10, Banbury: Off. Ass. Fortescue; Sol. Kilby, Banbury.—Pet. f. Nov. 9.
- JAMES MILES**, Banbury, Oxfordshire, coach builder, Nov. 26 at 10, Banbury: Off. Ass. Fortescue; Sol. Kilby, Banbury.—Pet. f. Nov. 9.
- JOHN LUCAS**, Louth, Lincolnshire, in no business, Nov. 22 at 11, Louth: Off. Ass. Waite; Sols. Brown & Sons, Lincoln.—Pet. f. Nov. 8.
- WILLIAM PRATT**, Birmingham, tailor, Dec. 6 at 10, Birmingham: Off. Ass. Guest; Sols. Powell & Son, Birmingham.—Pet. f. Nov. 11.
- JAMES COXEN**, Kings Norton, Worcestershire, cattle dealer, Dec. 6 at 10, Birmingham: Off. Ass. Guest; Sol. Brown, Birmingham.—Pet. f. Nov. 9.
- JOHN ROBERTS**, Conway, Carnarvonshire, painter, Nov. 25 at 10, Conway: Off. Ass. Hughes; Sol. Williams, Carnarvon.—Pet. f. Nov. 9.
- JOSEPH MOSS**, Tunstall, Staffordshire, grocer, Nov. 26 at 10, Hanley: Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Nov. 12.
- GEORGE STRONG**, Penrith, Cumberland, beer-house keeper, Nov. 28 at 11, Penrith: Off. Ass. Varty; Sol. Fairer, Penrith.—Pet. f. Nov. 13.
- THOMAS RIVITT**, Burbage, Leicestershire, grocer, Nov. 25 at 11, Hinckley: Off. Ass. Pilgrim; Sol. Bramah, Hinckley.—Pet. f. Nov. 11.
- GEORGE HANDLEY**, Warcop, Westmoreland, cordwainer, Dec. 4 at 11, Appleby: Off. Ass. Heelis; Sol. Thompson, Appleby.—Pet. f. Nov. 13.
- EDWIN PARTRIDGE**, Redditch, Worcestershire, needle finisher, Nov. 30 at 11, Redditch: Off. Ass. Browning; Sols. Powell & Son, Birmingham.—Pet. f. Nov. 13.
- RICHARD HAWTIN**, Redditch, Worcestershire, needle finisher, Nov. 30 at 11, Redditch: Off. Ass. Browning; Sols. Powell & Son, Birmingham.—Pet. f. Nov. 13.
- ROBERT VINCE**, Kersey, Suffolk, cattle dealer, Nov. 25 at 2, Hadleigh: Off. Ass. Newman; Sol. Gooday, Sudbury.—Pet. f. Nov. 7.
- WILLIAM HOULDCROFT**, Cheslyn Hay, miner, and **GEORGE SPRUCE**, Darlaston, Staffordshire, lock filer, Nov. 27 at 10, Walsall: Off. Ass. Clarke.
- WILLIAM SAXBY the younger**, Faversham, grocer, and **HENDEN EDWARD HOUGHTON**, Faversham, Kent, baker, Dec. 4 at 12, Faversham: Off. Ass. Tassell; Sol. Johnson, Faversham.—Pet. f. Nov. 11.



JOSEPH HOLLOWAY, West Bromwich, boatman, and HENRY BATES, West Bromwich, Staffordshire, retailer of beer, (carrying on business with Emanuel Phillips, under the style of Phillips & Bates), Nov. 25 at 2, Oldbury: Off. Ass. Watson; Sols. Dalby, West Bromwich; Sheldon, Wednesbury.—Pet. f. Nov. 11.

WILLIAM PITT, Colchester, Essex, licensed victualler, Nov. 28 at 12, Colchester: Off. Ass. Barnes; Sols. Abell & Brown, Colchester.—Pet. f. Nov. 12.

WILLIAM HOGG, Manningtree, Essex, licensed dealer in beer, Nov. 28 at 12, Colchester: Off. Ass. Barnes; Sols. Abell & Brown, Colchester.—Pet. f. Nov. 9.

EDWARD HOUGHTON, Daventry, Northamptonshire, tailor, Nov. 25 at 11, Daventry: Off. Ass. Willoughby; Sol. Gay, Daventry.—Pet. f. Nov. 11.

ISAAC TAYLOR WHITE, Long Buckley, Northamptonshire, out of business, Nov. 26 at 12, Daventry: Off. Ass. Willoughby; Sol. White, Northampton.—Pet. f. Nov. 12.

WILLIAM ROBERTS, Chester, out of business, Nov. 29 at 10, Chester: Off. Ass. Wason; Sol. Massey.—Pet. f. Nov. 12.

ROBERT WAGSTAFF, Hyde, Cheshire, smith, Nov. 27 at 12, Hyde: Off. Ass. Brooks; Sol. Reddish, Manchester.—Pet. f. Nov. 6.

JAMES PERRIN, Timperley, Bowdon, Cheshire, grocer, Dec. 2 at 11, Altrincham: Off. Ass. Porter; Sol. Horner, Manchester.—Pet. f. Nov. 11.

JAMES OLDMAN URCH, Canton, Llandaff, Glamorgan-shire, beer-house keeper, Nov. 26 at 11, Cardiff: Off. Ass. Langley.—Pet. f. Nov. 12.

JOHN NINNES, St. Ives, Cornwall, plumber, Nov. 25 at 12, Penzance: Off. Ass. Paynter; Sol. Boyns, Penzance.—Pet. f. Nov. 11.

ROBERT BAKER, Ashford, Kent, bootmaker, Dec. 10 at 3, Ashford: Off. Ass. Dangerfield; Sol. Creary, Ashford.—Pet. f. Oct. 31.

ALEXANDER SMITH, Sandgate, Kent, grocer (carrying on business with George Brooks and James Deedy, under the firm of Brooks, Smith, & Co.), Nov. 27 at 3, Folkestone: Off. Ass. Brockman; Sol. Hudson, Folkestone.—Pet. f. Nov. 13.

THOMAS JONES HILDITCH, Salford, Lancashire, in no business, Nov. 25 at 10, Salford: Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Nov. 13.

#### MEETINGS.

*Reginald Chauncey*, Sussex-street, Pimlico, Middlesex, retired officer of the East India Company's service, Dec. 12 at 12, London, last ex.—*Joseph Bicknell*, Moorgate-street and Fenchurch-street, City, merchant, Dec. 5 at half-past 12, London, last ex.—*Owen Parry*, Walbrook, City, mining agent, Dec. 20 at 1, London, last ex.—*John Jenkinson*, Wellington-row, Bethnal-green, Middlesex, shoemaker, Dec. 19 at 2, London, last ex.—*Algernon J. Hearne*, Nicholl-square, Falcon-square, City, printer, Dec. 20 at 2, London, last ex.—*Isaac Pentecost*, Lewisham-street, Great Queen-street, Westminster, beer-shop keeper, Dec. 21 at half-past 11, London, last ex.—*Geo. Henry de Strabolgie N. P. Harrison*, Kensington-gardens-square, Middlesex, Dec. 27 at half-past 1, London, last ex.—*James George Ingram*, Tottenham-court-road, Middlesex, woollendrapers, Dec. 20 at 1, London, last ex.—*George Hutson*, King-street, Regent-street, Middlesex, licensed victualler, Dec. 21 at 11, London, last ex.—*Roger Hogan*, Upper Marylebone-street, Middlesex, tailor, Dec. 21 at 11, London, last ex.—*Job Perkins*, Angel-court, Skinner-street, City, journeyman printer, Dec. 21 at half-past 11, London, last ex.—*Robert Bacon*, Great Woodstock-street, Marylebone, Middlesex, out of business, Dec. 27 at 1, London, last ex.—*Joseph Smith*, Lombard-street, City, tailor, Dec. 18 at 11, London, last ex.—*John Arthur Hutton*, Westbourne-grove-terrace, Westbourne-grove, Bayswater, Middlesex, clerk in her Majesty's War-office, Nov. 18 at 1, London, last ex.—*Saml. Stanger*, Church-street, Bethnal-green, Middlesex, grocer, Dec. 18 at half-past 1, London, last ex.—*Edwin Morecraft*, Burlington-arcade, Piccadilly, Middlesex, picture dealer, Dec. 6 at 12, London, last ex.—*H. Kinsett*, St. John-street-road, Clerkenwell, Middlesex, artificial florist, Dec. 18 at half-past 11, London, last ex.—*John Vickers*, Aubrey-road, Notting-hill, Middlesex, commission agent, Dec. 18 at half-past 1, London, last ex.—*Henry J. Braham*, Thavies-inn, Holborn, Middlesex, and Chatham, Kent, com-

mission agent, Dec. 20 at 1, London, last ex.—*Thomas Iskip*, Litchwich, Derbyshire, journeyman carpenter, Dec. 13 at 11, London, last ex.—*Robert Plaster*, Bampton, Oxfordshire, builder, Dec. 18 at 1, London, last ex.—*George Godfrey*, Brompton-terrace, Brompton, Middlesex, grocer, Dec. 18 at 2, London, last ex.—*Wm. Pritchard*, Acton, Middlesex, carpenter, Dec. 20 at half-past 1, London, last ex.—*I. Dickinson*, Bennington, near Stevenage, Hertfordshire, baker, Dec. 16 at 12, London, last ex.—*Edw. B. Smith*, Woodcote, Epsom, Surrey, horsedealer, Dec. 18 at half-past 12, London, last ex.—*James R. Ross*, Buccleugh-road, West Dulwich, Surrey, commission agent, Dec. 20 at 2, London, last ex.—*Thos. Franks*, Oak-village, Kentish-town, Middlesex, baker, Dec. 10 at half-past 11, London, last ex.—*William Burgess*, Sussex-street, Pimlico, Middlesex, house agent, Dec. 11 at half-past 1, London, last ex.—*Jane Fyffe* and *William Thomas Fyffe*, Deptford, Kent, lightermen, Dec. 11 at 2, London, last ex.—*William Jones*, Gloucester-street, Commercial-road East, builder, and Prospect-place, Mile-end-road, Middlesex, fancy stationer, Dec. 10 at half-past 12, London, last ex.—*Thos. Hunter*, Baring-street, New North-road, Hoxton, Middlesex, linendraper, Dec. 11 at half-past 12, London, last ex.—*George Bolt*, Cirencester-street, Paddington, tailor, Dec. 10 at 12, London, last ex.—*Samuel Rosbotham*, Queen's-road, Chelsea, Middlesex, soapboller, Dec. 10 at 11, London, last ex.—*John Abraham*, Dunstable, Bedfordshire, straw-hat manufacturer, Dec. 10 at half-past 1, London, last ex.—*Bernhard Horwitz*, Newgate-street, City, importer of foreign goods, Dec. 10 at 1, London, last ex.—*Frederick Billington*, Cheapside, City, commercial dining-room keeper, Dec. 16 at 3, London, last ex.—*Matthew Copplestone*, Barnes, Surrey, wine merchant, Dec. 16 at 1, London, last ex.—*Stephen Froud*, Lansdowne-road North, Notting-hill, Middlesex, builder, Dec. 16 at half-past 2, London, last ex.—*Samuel Raven*, Douglas-road, Islington, Middlesex, solicitor, Dec. 16 at 1, London, last ex.—*Wm. Henry Clarke*, Vernon-place, Bloomsbury-square, Middlesex, engineer, Dec. 12 at 1, London, last ex.—*Samuel Green*, Wilton-terrace, Park-road, Dalston, Middlesex, clerk in the Inland Revenue Office, Dec. 12 at 12, London, last ex.—*John Augustus Crabb*, Trevor-terrace, Knightsbridge, and Portman-place, London, and Tunbridge, Kent, watchmaker, Dec. 12 at 1, London, last ex.—*George Hammersley*, Gloucester-st., Clerkenwell, Middlesex, grocer, Dec. 12 at half-past 2, London, last ex.—*William Howitt*, West-end, Hammer-smith, Middlesex, carpenter, Dec. 16 at 2, London, last ex.—*Thomas Headland*, Bermondsey New-road, Surrey, leather seller, Dec. 16 at 3, London, last ex.—*Thomas Thorn*, Highfield-terrace, Gloucester-place, Kentish-town, Middlesex, clerk to an attorney, Dec. 16 at 12, London, last ex.—*Wm. Obadiah Clark*, Gates-street, Upper North-street, Poplar, Middlesex, baker, Dec. 16 at 12, London, last ex.—*John Giles*, Ringleston, near Hollingbourne, Kent, licensed victualler, Dec. 16 at 11, London, last ex.—*Robert Arthur Sarsfield Gregg*, Woodburn-park, Buckinghamshire, schoolmaster, Dec. 16 at 11, London, last ex.—*Samuel Bowen*, West Bromwich, Staffordshire, glass dealer, Dec. 12 at 11, Birmingham, last ex.—*Sarah Hulston*, Birmingham, pocket-book manufacturer, Dec. 12 at 11, Birmingham, last ex.—*John Wood Prentiss*, Birmingham, grocer, Dec. 12 at 11, Birmingham, last ex.—*George Cartwright*, Wolverhampton, Staffordshire, butcher, Dec. 19 at 11, Birmingham, last ex.—*Thomas Wm. Tottingham Prescott*, Bryanston-street, Portman-square, Middlesex, no profession, Dec. 16 at 1, Bristol, last ex.—*Wm. Harrington*, Gloucester, wine merchant, Dec. 16 at 11, Bristol, last ex.—*Robert Latham Colley*, Barnsley, Yorkshire, provision dealer, Dec. 17 at 11, Leeds, last ex.—*Charles Smithies*, Leeds, commercial agent, Dec. 10 at 11, Leeds, last ex.—*Jonathan Hardaker*, Leeds, woollen-cloth manufacturer, Dec. 10 at 11, Leeds, last ex.—*John Wilda*, Carlton, near Snaith, Yorkshire, dealer in flax, Dec. 6 at 11, Leeds, last ex.—*John Outhwaite*, Goole, Yorkshire, joiner, Dec. 6 at 11, Leeds, last ex.—*Thomas Bell*, York, chemist, Dec. 6 at 11, Leeds, last ex.—*Elijah Outhwaite*, Leeds, plumber, Dec. 6 at 11, Leeds, last ex.—*Samuel Outhwaite*, Middlesborough, Yorkshire, butcher, Dec. 16 at 11, Leeds, last ex.—*John Clarke*, Glossop, Derbyshire, tailor, Dec. 13 (and not Nov. 13, as previously advertised) at 12, Manchester, last ex.—*Ralph Mansfield*, Manchester, lithographer, Dec. 2 at 12, Manchester, last ex.—*William Pearson*, Manchester, baker, Dec. 3 at 12, Manchester, last ex.—*Wm. Wild* and *James*

*Bowker*, Bury, Lancashire, cotton manufacturers, Dec. 9 at 12, Manchester, last ex.—*Joseph Walton Barnes*, Newcastle-upon-Tyne, fire-brick manufacturer, Dec. 11 at 12, Newcastle-upon-Tyne, last ex.—*George Wood*, Monkwearmouth and East Boldon, Durham, timber merchant, Dec. 11 at 11, Newcastle-upon-Tyne, last ex.—*Charles Springmann*, Newcastle-upon-Tyne, shipbroker, Dec. 13 at 12, Newcastle-upon-Tyne, last ex.—*George Henzell Dixon*, Newcastle-upon-Tyne, coal merchant, Dec. 19 at 11, Newcastle-upon-Tyne, last ex.—*Thomas Taylor*, Darlington, Durham, miller, Dec. 19 at 12, Newcastle-upon-Tyne, last ex.—*John Evans*, Lampeter, Cardiganshire, cattle dealer, Nov. 28 at 11, Bristol, pr. 4.—*Wm. Clayton*, *Joseph W. Clayton*, and *C. Billington*, Manningham, Bradford, Yorkshire, contractors, Nov. 26 at 11, Leeds, last ex.—*Thomas Sherwood*, Southsea, Portsea, Southampton, laceman, Nov. 29 at 2, London, and ac.—*T. Hall*, Fulham, Middlesex, licensed victualler, Nov. 29 at 1, London, and ac.—*David Ramsay*, Forest-hill, Kent, merchant, Nov. 29 at 12, London, and ac.—*John Shattock*, Long Ashton, Somersetshire, farmer, Dec. 12 at 11, Bristol, and ac.—*John Tall*, Kingston-upon-Hull, turpentine distiller, Nov. 27 at 12, Kingston-upon-Hull, and ac.—*Geo. Kelsey Lee*, Sunderland, Durham, linen-draper, Dec. 12 at 12, Newcastle-upon-Tyne, first and fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Morgan*, Upper Marylebone-street, Portland-place, Middlesex, printer, Dec. 11 at 2, London.—*Charles Waters Banks*, Chapter-house-court, City, and Dover-road, Southwark, printer, Dec. 9 at half-past 1, London.—*Adolphus Scherman*, George-st., Minorities, City, merchant, Dec. 9 at 1, London.—*Thomas Carter*, Windsor-road, Upper Holloway, Middlesex, builder, Dec. 9 at 12, London.—*Enrico Fontanella*, Lime-street, City, merchant, Dec. 9 at 12, London.—*Manoel Joaquim Soares* and *Augusto Soares*, Mark-lane, City, commission merchants, Dec. 10 at 1, London.—*George Kelsey Lee*, Sunderland, Durham, linen-draper, Dec. 12 at half-past 12, Newcastle-upon-Tyne.—*R. Bradley*, Handsworth, Staffordshire, broker, Dec. 13 at 11, Birmingham.—*Charles Buttery*, York, draper, Dec. 10 at 11, Leeds.—*J. Whitley*, Leeds, brassfounder, Dec. 6 at 11, Leeds.—*Richard Binney*, Leeds, sharebroker, Dec. 6 at 11, Leeds.—*Thomas Walker*, Leeds, tallow chandler, Dec. 6 at 11, Leeds.—*Wm. Mercer*, Rossett, Denbighshire, brewer, Dec. 6 at 12, Liverpool.—*Thomas Howard*, Ormskirk, Lancashire, earthenware dealer, Dec. 6 at 1, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*James Francis Wallace*, Old Broad-street, City, East India merchant.—*Frederick Clarke*, Bromley, Middlesex, licensed victualler.—*Henry Augustus Hope*, West Smithfield, City, and Oxford-road, Downham-road, Islington, Middlesex, hay salesman.—*J. Patterson*, Coombe Bissett, Wiltshire, licensed victualler.—*Henry Benson Cox*, Cowper's-court, Cornhill, City, tavern keeper.—*Althelston Fosson*, Three-king-court, Lombard-st., City, timber merchant.—*J. Meador*, Brighton, Sussex, upholsterer.—*Wm. Sharp* the younger, New Broad-street, City, underwriter.—*John Liversidge*, Tabernacle-walk, Shoreditch, and Devon-villas, Buckingham-road, De Beauvoir-town, Middlesex, wheelwright.—*Raffaello Louis Giandonati*, St. Paul's-churchyard, City, dealer in India-rubber goods.—*Samuel Wilkes*, Cardiff, Glamorganshire, wine merchant.—*John H. Gooders*, Merthyr Tydfil, Glamorganshire, scrivener.—*Joseph Whittard*, Bristol, draper.—*R. Harrison* and *John Sherratt*, St. Helena, Lancashire, builders.—*Edw. Wevill*, Liverpool, broker.—*Ebenezer Alston*, Ashton-under-Lyne and Accrington, Lancashire, grocer.—*Geo. Thompson*, Manchester, tailor.—*Joseph Bratins*, Methley, Yorkshire, grocer.—*Jas. Cressy*, Wakefield, Yorkshire, grocer.—*John Earnshaw* and *Geo. Earnshaw*, Halifax, Yorkshire, dyers.

## SCOTCH SEQUESTRATIONS.

*Robert Roanburgh*, Paisley, coachbuilder.—*John Smith*, Kilmarnock, innkeeper.—*J. B. M'Morine*, Dumfries, painter.—*Robert Wood*, Glasgow, wright.

TUESDAY, Nov. 19.

## BANKRUPTS.

GRIFFITH THOMAS, Rosslyn-terrace, Hampstead, Middlesex, builder, Nov. 30 at half-past 11, and Dec. 30 at 12, London: Off. Ass. Pennell; Sols. Merriman & Brewin, 25, Austin-frirs.—Pet. f. Aug. 19.

GEORGE WATKINS WATTS, Devonshire-terrace, Notting-hill, and Sidney-street, Brompton, Middlesex, dealer in Berlin wool, Dec. 6 at 12, London: Off. Ass. Cannan; Sol. Burn, 14, Great Carter-lane.—Pet. f. Nov. 14.

EDWIN MORTLOCK, Aldermanbury, City, manufacturer of fancy goods, Dec. 6 at 10, London: Off. Ass. Cannan; Sol. Childley, 25, Old Jewry.—Pet. f. Nov. 13.

GEORGE BRISTOW, Duke-street, London-bridge; East-street, Walworth, Surrey; and Eagle-street, Red Lion-square, Middlesex, coffee-house keeper (now a prisoner in Horsemonger-lane Gaol), Dec. 6 at 11, London: Off. Ass. Cannan; Sol. Sorrell, 19, Mark-lane.—Pet. f. Nov. 13.

ARTHUR HEWITT, London-road, Southwark, Surrey, furniture dealer, Dec. 6 at 12, London: Off. Ass. Cannan; Sol. Sorrell, 19, Mark-lane.

FRANCIS GOLDTHORP, Merton, Surrey, cabinet maker, Dec. 6 at 10, London: Off. Ass. Cannan.

JOHN TICKNER, Kingston-upon-Thames, Surrey, fishmonger, Dec. 6 at 11, London: Off. Ass. Cannan.

JOHN JAMIESON, Great Carter-lane, Doctors'-commons, City, Dec. 6 at 1, London: Off. Ass. Cannan.

JOSEPH INGALL (sued with Elizabeth Ingall), Corporation-lane, Clerkenwell, Middlesex, carpenter, Dec. 6 at 12, London: Off. Ass. Cannan.

HENRY LONGDEN, Marlborough-place, Kennington-road, Surrey, railway clerk, Dec. 3 at 1, London: Off. Ass. Bell; Sols. Makinson & Carpenter, 3, Elm-court, Temple.—Pet. f. Nov. 16.

HENRY STAMMERS, Southminster, Essex, builder, Dec. 3 at 11, London: Off. Ass. Bell; Sols. Gepp & Veley, Chelmsford; Duffield, 71, King William-street.—Pet. f. Nov. 16.

WILLIAM SPENCER DODD, Ventnor, Southampton, plumber, Dec. 3 at 1, London: Off. Ass. Bell; Sol. Wright, 10, Bloomsbury-square.—Pet. f. Nov. 14.

HENRY READY, Basinghall-street, City, surveyor, Dec. 3 at 12, London: Off. Ass. Bell; Sol. Hill, 10, Basinghall-street.—Pet. f. Nov. 14.

ISAAC MOSS, Penny-fields and King-street, Poplar, Middlesex, merchant (carrying on business under the name of Abraham Moss), Dec. 3 at half-past 11, London: Off. Ass. Bell; Sols. Spyer & Son, Broad-street-buildings.—Pet. f. Nov. 14.

THOMAS FELSTED FRY, Percy-villas, Well-street, Hackney, Middlesex, clerk in the docks, Dec. 4 at half-past 12, London: Off. Ass. Bell; Sol. Dean, 27, New Broad-street.—Pet. f. Nov. 16.

CHARLES MADDER, Crescent-place, Burton-crescent, St. Pancras, Middlesex, commission agent, Dec. 3 at 12, London: Off. Ass. Bell.—Pet. f. Nov. 14.

JOSHUA AUSTIN BALL, Binsey, Oxfordshire, grazier, Dec. 4 at 1, London: Off. Ass. Johnson; Sol. Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Nov. 18.

WILLIAM HOLDEN and WILLIAM ROBERT HOLDEN, Southampton, coal merchants, Dec. 4 at 1, London: Off. Ass. Johnson; Sols. Mackey, Southampton; Paterson & Son, Bouverie-street, London.—Pet. f. Nov. 15.

BENEDICT BARNARD and ALFRED ROSENTHALL, Cheapside; Gutter-lane, Cheapside; and Falcon Factory, Lower Whitecross-street, City; and Great Garden-street, Whitechapel, Middlesex, warehousemen (trading under the firm of Barnard, Rosenthall, & Co.), Dec. 4 at 11, London: Off. Ass. Johnson; Sol. Reed, Gresham-street.—Pet. f. Nov. 15.

FREDERICK PARKER, Hoxton Old-town, Middlesex, wholesale cabinet manufacturer, Dec. 4 at 12, London: Off. Ass. Johnson; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. Nov. 16.

BENJAMIN REGISTER, Hampton Wick, Middlesex, licensed victualler, Dec. 3 at 2, London: Off. Ass. Johnson; Sols. Shaen & Grant, Kennington-cross.—Pet. f. Nov. 9.

EDWIN JOHN FIANDER, Villa-street, Walworth, Surrey, builder, Dec. 3 at 11, London: Off. Ass. Johnson.

GEORGE FENTEM, Southampton, grocer, Dec. 3 at half-past 12, London: Off. Ass. Johnson; Sols. Walker & Harrison, 5, Southampton-street, Bloomsbury.—Pet. f. Nov. 15.

JOHN EVANS, Essex-street, Hoxton, Middlesex, fancy box maker, Dec. 3 at half-past 1, London: Off. Ass. Johnson; Sol. Wells, Moorgate-street.—Pet. f. Nov. 15.

JOHN BERRYHILL CROSS, Moorgate-street, City, and Alma-road, Canonbury, Middlesex, watch manufacturer, Dec. 3 at 11, London: Off. Ass. Johnson; Sol. Dubois, 46, Moorgate-street.—Pet. f. Nov. 13.

THOMAS FISHER, West Ham, Essex, builder (now a prisoner in the Gaol of Springfield), Dec. 5 at half-past 11, London: Off. Ass. Pennell.

WILLIAM JACOB MOORE, Blue Anchor-road, Bermondsey, Surrey (now a prisoner in Horsemonger-lane Gaol), Nov. 30 at 10, London: Off. Ass. Pennell.

FRANCIS GITTINS FRANCIS, Great Ormond-street, Bloomsbury, Middlesex, commission agent (now a prisoner in the Queen's Prison), Dec. 5 at 1, London: Off. Ass. Pennell.

HENRY PAGE, Bowater-place, Blackheath, Kent, baker, Nov. 30 at 10, London: Off. Ass. Pennell; Sol. Rogers, 70, Fenchurch-street.—Pet. f. Nov. 13.

EUGENE PARISOT, Rotherfield-street, Islington, Middlesex, commission agent (now a prisoner in Whitecross-street Prison), Nov. 29 at 11, London: Off. Ass. Pennell; Sol. Wyatt, 2, Copthall-buildings, London.—Pet. f. Nov. 16.

HENRY HILL, Gipsy-terrace, Malden-road, Kentish-town, Middlesex, builder, Dec. 2 at 10, London: Off. Ass. Pennell; Sols. Howard & Co., 66, Paternoster-row, London.—Pet. f. Nov. 14.

WILLIAM WRIGHT, Ticehurst, Sussex, grocer, Dec. 5 at half-past 12, London: Off. Ass. Pennell; Sols. Langham & Co., 10, Bartlett's-buildings, Holborn.—Pet. f. Nov. 18.

WILLIAM RUSS, Gloucester-street, Clerkenwell, Middlesex, jeweller, Dec. 5 at 10, London: Off. Ass. Pennell; Sols. Lewis & Sons, 7, Wilmington-square.—Pet. f. Nov. 15.

CHARLES BIRCH CRISP, Pockington-street, Islington, Middlesex, attorney (now a prisoner in Whitecross-street Prison), Dec. 5 at 2, London: Off. Ass. Pennell.—Pet. f. Nov. 16.

GUSTAVUS HERMAN LILIE, Dames-street, Islington, Middlesex, clerk to a tallow broker, (trading as G. H. Lilie & Co.), Dec. 5 at 10, London: Off. Ass. Pennell; Sols. Boulton & Sons, 21A, Northampton-square, London.—Pet. f. Nov. 15.

HENRY FISHER, Avenue-road, Hammersmith, Middlesex, painter, Dec. 5 at 1, London: Off. Ass. Graham; Sol. Wright, 123, Chancery-lane, London.—Pet. f. Nov. 10.

BENJAMIN HORT, Harmood-street, Hampstead-road, Middlesex, shoemaker, Dec. 5 at 11, London: Off. Ass. Graham; Sol. Hope, 9, Ely-place, Holborn.—Pet. f. Nov. 15.

JOHN EDWIN HEATH and THOMAS WILLIAM LEGH HILTON, Mark-lane, City, oil merchants (carrying on business with Robert Eden Hope), Dec. 5 at 11, London: Off. Ass. Pennell; Sols. Hare & Whitfield, Mitre-court, Temple.—Pet. f. Nov. 15.

THOMAS TIGHE FLYNN, Washington-street, Bow-common-lane, Mile-end, Middlesex, ballast heaver, Dec. 6 at 10, London: Off. Ass. Pennell; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Nov. 18.

JESSE MACHIN, Reading, waggon cloth manufacturer, Dec. 2 at 11, London: Off. Ass. Graham; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Nov. 14.

JOHN WESTON, Chobham, Surrey, Nov. 30 at half-past 12, London: Off. Ass. Graham.

THOMAS SPICER, Aldersgate-street, City, colourman, Dec. 2 at 11, London: Off. Ass. Graham; Sol. Philp, 26, Bucklersbury.—Pet. f. Nov. 14.

SAMUEL FRANCIS GREEN, Whiting-street, Waterloo-road, Lambeth, Dec. 2 at 2, London: Off. Ass. Graham.

JAMES WADE and GEORGE WADE, Ipswich, Suffolk, saddlers, Dec. 5 at 12, London: Off. Ass. Graham; Sols. Pollard, Ipswich; Shirreff & Son, 7, Lincoln's-inn-fields, London.—Pet. f. Nov. 16.

SABLE HENRY JONAS, Kingsland-green, Middlesex, out of business, Dec. 2 at half-past 12, London: Off. Ass. Graham.

FRANCIS LOUIS LEYSER (sued as LOUIS LEYSER), Great George-street, Brompton, Surrey, canneller, Dec. 5 at half-past 2, London: Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Nov. 15.

JOSEPH CLARKE, Great Warley, Essex, timber merchant, Dec. 2 at 12, London: Off. Ass. Stansfeld; Sol. Preston, 15, Bread-street-buildings, London.—Pet. f. Nov. 2.

MOSES GILLINGHAM, Warren-street, Tottenham-court-road, Middlesex, builder, Dec. 5 at half-past 11, London: Off. Ass. Stansfeld; Sol. Waller, 2, Duke-street, Adelphi, London.—Pet. f. Nov. 15.

TEMPLE GEORGE TOLLEY, Lamb-street, Spitalfields, Middlesex, builder, Dec. 5 at half-past 1, London: Off. Ass. Stansfeld; Sols. Taylor & Jaquet, 11, South-street, Finsbury-square, London.—Pet. f. Nov. 18.

WILLIAM FRANCIS REED, Charlotte-st., Fitzroy-square, Middlesex, pianoforte tuner, Dec. 5 at half-past 12, London: Off. Ass. Stansfeld; Sol. Davis, 10, Golden-square, Middlesex.—Pet. f. Nov. 16.

ALFRED FANTHAM, Wendover, Buckinghamshire, coal merchant, Dec. 4 at half-past 11, London: Off. Ass. Stansfeld; Sol. Clarke, 2, Stanley-place, Paddington-green, London.—Pet. f. Nov. 4.

WILLIAM HENRY WILD, Lambeth-walk, Lambeth, Surrey, appraiser (now a prisoner in Horsemonger-lane Gaol), Dec. 2 at half-past 11, London: Off. Ass. Stansfeld.—Pet. f. Nov. 13.

CHARLES PIQUE PEARMAN, St. Martin's-court, Leicester-square, Middlesex, Dec. 2 at 1, London: Off. Ass. Stansfeld.

ALBERT BASTEN, Westminster-bridge-road, Surrey, publican, Dec. 2 at half-past 1, London: Off. Ass. Stansfeld; Sol. Sorrell, 19, Mark-lane, London.

HENRY NEWPORT, Ramsgate, Kent, lodging-house keeper, Dec. 5 at 2, London: Off. Ass. Stansfeld; Sol. Buchanan, 13, Basinghall-street, London.—Pet. f. Nov. 19.

JOHN ARTHUR ELSTOB, North-row, Park-lane, Middlesex, clerk to a land agent (now a prisoner in Whitecross-street Prison), Nov. 30 at half-past 12, London: Off. Ass. Edwards; Sol. Philp, 26, Bucklersbury, London.—Pet. f. Nov. 9.

THOMAS GODFREY CHAUNDY, Oxford, chemist, Dec. 2 at half-past 3, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.

JOHN MANN, Church-row, Stepney, Middlesex, general provision dealer, Nov. 30 at half-past 2, London: Off. Ass. Edwards; Sol. Abbott, 1, St. Mark-street, Great Prescott-street, London.—Pet. f. Nov. 12.

SIMON JONES and ALFRED STEPHEN WARWICK, Luton, Bedfordshire, ironmongers, Dec. 3 at half-past 11, London: Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. Nov. 16.

THOMAS RAYNER, Old Quebec-street, Portman-square, Middlesex, doctor of medicine, Dec. 2 at half-past 3, London: Off. Ass. Edwards; Sols. Henman & Nicholson, 25, College-hill, Cannon-street West, London.—Pet. f. Nov. 16.

FREDERICK BREININGER, Lucas-place, Commercial-road East, and New-road, St. George's-in-the-East, Middlesex, baker, Dec. 2 at half-past 2, London: Off. Ass. Edwards; Sol. Heathfield, 19, Lincoln's-inn-fields.—Pet. f. Nov. 15.

ELIZABETH YOUNG, Mile-end-road, Stepney, Middlesex, cowkeeper, Dec. 3 at 11, London: Off. Ass. Edwards; Sol. Webb, 18, Jewry-street, Aldgate, London.—Pet. f. Nov. 14.

ROBERT PARKER, Bishopsgate-street Without, London, traveller to a woollen warehouseman, Dec. 2 at 12, London: Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.—Pet. f. Nov. 14.

FRANCIS EMILY BOULTON, widow, London-street, Paddington, Middlesex, omnibus proprietor, Dec. 3 at 10, London: Off. Ass. Edwards; Sol. Dubois, 39, Moorgate-street, London.—Pet. f. Nov. 16.

JESSE COOK, Portadown-road, Maida-hill, Middlesex (now a prisoner in Whitecross-street Prison), Dec. 3 at half-past 3, London: Off. Ass. Edwards.

LEAH ARCH, Chapel-street, Tottenham-court-road, Middlesex (now a prisoner in Whitecross-street Prison), Dec. 3 at 3, London: Off. Ass. Edwards.

**WILLIAM WILSMORE POND**, Knaith-terrace, Devonshire-st., Mile-end, Middlesex, shipbroker (now a prisoner in the Debtors Prison, London), Dec. 3 at 3, London: Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Nov. 16.

**HENRY GRINT**, Brixton, Surrey (now a prisoner in Horse-monger-lane Gaol), Dec. 2 at 3, London: Off. Ass. Edwards.

**MARY EASTON**, Gravesend, Kent (now a prisoner in Horse-monger-lane Gaol), Dec. 2 at half-past 12, London: Off. Ass. Edwards.

**ROBERT COULSON**, Guilden-terrace, Barnsbury-road, Islington, Middlesex (now a prisoner in Whitecross-street Prison), Dec. 3 at half-past 10, London: Off. Ass. Edwards.

**JOHN KEER**, Lendenhall-street, City (now a prisoner in the Debtors Prison for London and Middlesex), Dec. 3 at 2, London: Off. Ass. Edwards.

**HENRY BISHOP**, St. James's-place, Clerkenwell, Middlesex (now a prisoner in Whitecross-street Prison), Dec. 3 at half-past 2, London: Off. Ass. Edwards.

**JOHN STEVENS**, Smarden, Kent (now a prisoner in the Debtors Prison for London and Middlesex), Dec. 10 at half-past 10, London: Off. Ass. Edwards.

**WILLIAM HENRY CRAVEN ALLEN**, Archbutt-terrace, Chelsea, and Bolton-row, Piccadilly, Middlesex (now a prisoner in the Debtors Prison, Surrey), Dec. 2 at half-past 1, London: Off. Ass. Edwards.—Pet. f. Nov. 16.

**THOMAS DIKE**, Denbigh-place, Pimlico, Middlesex (now a prisoner in Whitecross-street Prison), Dec. 10 at half-past 3, London: Off. Ass. Edwards.

**THOMAS WHITWORTH**, Mortimer-road, Hackney, Middlesex, labourer, Dec. 3 at half-past 3, London: Off. Ass. Edwards; Sol. Moss, 30, Walbrook, London.—Pet. f. Nov. 19.

**JOHN EDWARD HILL**, Jeffreys-square, St. Mary-axe, City, merchant's clerk, Dec. 10 at 10, London: Off. Ass. Edwards; Sol. King, 83, Fenchurch-street, London.—Pet. f. Nov. 18.

**LOUIS DE LABELLEVILLE**, Brunswick-terrace, Camberwell-gate, Surrey, professor of literature, Dec. 10 at 10, London: Off. Ass. Edwards; Sols. Odey & Paddison, 3, New Boswell-court, London.—Pet. f. Nov. 18.

**WILLIAM COCKSON BODDINGTON**, Hanley, Staffordshire, dealer in potters' materials (trading under the style or firm of W. C. Boddington & Co.), Dec. 6 at 11, Birmingham: Off. Ass. Kinnear; Sols. Litchfield, Newcastle, Staffordshire; James & Knight, Birmingham.—Pet. f. Nov. 16.

**EDWARD BEVAN THOMAS**, Ladbroke, Shropshire, Dec. 6 at 11, Birmingham: Off. Ass. Whitmore.

**THOMAS BEECH BALDWIN**, Fenton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer, Dec. 6 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham; Stanley & Winstanley, Newcastle-under-Lyme.—Pet. f. Nov. 16.

**RICHARD SILL**, Birmingham, attorney, Dec. 6 at 11, Birmingham: Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. f. Nov. 18.

**JOHN WILLIAMS**, Brecon, maltster, Dec. 2 at 12, Bristol: Off. Ass. Acraman; Sols. Thomas, Brecon; Nash, Bristol.—Pet. f. Nov. 15.

**WILLIAM WILLIAMS**, Swansea, Glamorganshire, mining engineer, Dec. 2 at 1, Bristol: Off. Ass. Acraman; Sol. Brittan, Bristol.

**CHARLES THOMAS ASH PAVEY**, Bristol, accountant (now a prisoner in the Gaol of Bristol), Dec. 3 at 1, Bristol: Off. Ass. Miller; Sols. Brittan & Son, Bristol.

**DAVID HOWELL DAVIES**, Abertawe, Glamorganshire, grocer, Dec. 3 at 1, Bristol: Off. Ass. Miller; Sol. Brittan, Bristol.

**JAMES FEAVER**, Wincanton, Somersetshire, common brewer, Dec. 3 at 1, Bristol: Off. Ass. Miller; Sols. Chitty, Shaftesbury; Bevan & Co., Bristol.—Pet. f. Nov. 18.

**CORNELIUS RICKARD BAGGS**, Plymouth, Devonshire, lithographer, Dec. 4 at 1, Plymouth: Off. Ass. Hirtzel; Sols. Tucker, Plymouth; Clarke, Exeter.—Pet. f. Nov. 14.

**FREDERICK SMITH**, Plymouth, Devonshire, perfumer, Dec. 4 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Fowler, Plymouth; Fryer, Exeter.—Pet. f. Oct. 29.

**JAMES YATES**, Leeds, Yorkshire, dealer in mungo, Dec. 5 at 11, Leeds: Off. Ass. Young; Sol. Stimpson, Leeds.—Pet. f. Nov. 16.

**BENJAMIN HINCHLIFFE**, Pudsey, near Leeds, cloth manufacturer, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Harle, Leeds; Mason, York.

**JAMES HENRY PEDDER**, Halifax, porter merchant, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Harle, Leeds; Mason, York.

**RICHARD RAYNOR**, Barnsley, near Leeds, innkeeper, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sol. Harle, Leeds; Mason, York.

**SAMUEL FOX**, Leeds, commission agent, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Harle, Leeds; Mason, York.

**THOMAS THOMPSON**, Bradford, beer-seller, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Harle, Leeds; Mason, York.

**JOHN JACKSON**, Swinegate, Leeds, grinder of flints, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Harle, Leeds; Mason, York.

**THOMAS HARMER**, Leeds, Yorkshire, joiner, Dec. 2 at 11, Leeds: Off. Ass. Carrick; Sols. Curran & Tempest, Leeds.—Pet. f. Nov. 15.

**JOHN BISHOP**, Burlington Quay, Yorkshire, builder, Dec. 4 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Mason, York.

**JOHN SCARRATT**, Birkenhead, Cheshire, cement dealer, Dec. 5 at 11, Liverpool: Off. Ass. Turner.

**JOHN TIERNEY**, Liverpool, ship bread baker, Dec. 2 at 1, Liverpool: Off. Ass. Morgan; Sol. Woodburne & Pemberton, Liverpool.—Pet. f. Nov. 16.

**THOMAS BROGDEN**, Blackpool, Lancashire, linendraper, Nov. 29 at half-past 12, Liverpool: Off. Ass. Bird; Sol. Needham, Manchester.—Pet. f. Nov. 16.

**JOHN THORN**, Liverpool, out of business, Dec. 5 at half-past 11, Liverpool: Off. Ass. Turner; Sol. Black, Liverpool.—Pet. f. Nov. 15.

**STEPHEN TATHAM**, Heywood, Lancashire, machine maker, Nov. 29 at 11, Manchester: Off. Ass. Hermann; Sol. Whitehead, Rochdale.—Pet. f. Nov. 14.

**JAMES PILKINGTON**, Heywood, cotton manufacturer, and **JOHN HARDMAN**, Heywood, Lancashire, warehouseman, Nov. 29 at half-past 1, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. Nov. 13.

**JOHN STANYER**, Manchester, beer retailer, Nov. 30 at 11, Manchester: Off. Ass. Fraser; Sol. Garaike, Manchester.—Pet. f. Nov. 13.

**THOMAS WILSON**, Newcastle-upon-Tyne, builder, Nov. 29 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. J. & R. S. Watson, Newcastle-upon-Tyne.—Pet. f. Nov. 16.

**JOHN KNOTT**, Howdon, Northumberland, butcher, Nov. 29 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.

**MATTHEW KNOTT**, North Shields, Northumberland, ship-owner, Nov. 29 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.

**HENRY FOGGY WEBSTER**, Darlington, Durham, grocer, Dec. 3 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.

**DANIEL FEGAN**, Bishop Auckland, Durham, dealer in men's clothing, Nov. 28 at 10, Bishop Auckland: Off. Ass. Trotter; Sol. Webster, Darlington.—Pet. f. Nov. 7.

**THOMAS WILLIAMS**, Bridgwater, Somersetshire, fireman, Dec. 4 at 10, Bridgwater: Off. Ass. Lovibond; Sol. Haythorne, Bridgwater.—Pet. f. Nov. 17.

**WILLIAM EMMERSON**, Great Grimsby, Lincolnshire, licensed victualler, Nov. 29 at 11, Great Grimsby: Off. Ass. Dumbey; Sol. Pettingell, Kingston-upon-Hull.—Pet. f. Nov. 13.

**JAMES WENHAM**, Hertford, assistant to a leather dealer, Dec. 3 at 12, Hertford: Off. Ass. Spence; Sols. Lawrence & Co., 12, Broad-street, Chancery-lane.—Pet. f. Nov. 5.

**WILLIAM WHITEHOUSE**, Holywell, Flintshire, iron-monger, Nov. 30 at 12, Holywell: Off. Ass. Williamson; Sol. Harrison, Holywell.—Pet. f. Nov. 14.

**JOHN CUNLIFFE**, Hamer Bottom, near Rochdale, Lancashire, tanner, Dec. 2 at 11, Rochdale: Off. Ass. Woods; Sol. Holland, Rochdale.—Pet. f. Nov. 13.

**HUGH CAMPBELL**, Liverpool, Dec. 6 at 1, Liverpool: Off. Ass. Hime; Sol. Samuel, Liverpool.—Pet. f. Nov. 15.

**JAMES HOOPER**, Allways End, Dulverton, Somersetshire, cattle dealer, Nov. 29 at 11, Tiverton: Off. Ass. Daw the younger; Sol. Cockram, Tiverton.—Pet. f. Nov. 14.

- EDWARD JOSEPH MASKELL**, Great Marlow, Buckinghamshire, ginger-beer manufacturer, Dec. 11 at 12, High Wycombe: Off. Ass. Parker; Sol. Clarke, High Wycombe.—Pet. f. Nov. 16.
- GEORGE PURKIS**, Warwick, assistant to a licensed victualler, Nov. 25 at 10, Warwick: Off. Ass. Tibbits; Sol. Beaton, Birmingham.—Pet. f. Nov. 12.
- ELIZABETH BELLAMY**, Leamington Priors, Warwickshire, fishmonger, Nov. 25 at 11, Warwick: Off. Ass. Tibbits; Sol. Griffin, Leamington Priors.—Pet. f. Nov. 14.
- SAMUEL TIMSON**, Hallaton, Leicestershire, carrier, Nov. 25 at 11, Uppingham: Off. Ass. Shield & Hough.
- THOMAS TAYLER**, Wickham Market, Suffolk, saddler, and **WILLIAM WARNER**, Trimley Saint Martin, Suffolk, grocer, Dec. 4 at 1, Woodbridge: Off. Ass. Reeve; Sols. Champ, and Pollard, Ipswich.—Pet. f. Nov. 13.
- JOHN ELSWORTH**, High Harrogate, Yorkshire, quarryman, Dec. 5 at 11, Knareborough: Off. Ass. Gill; Sol. Harle, Leeds.—Pet. f. Nov. 12.
- RICHARD SHILLING** the younger, Selling, Kent, bricklayer, Dec. 4 at 2, Faversham: Off. Ass. Tassell; Sol. Johnson, Faversham.—Pet. f. Nov. 13.
- LEWIS LOW WHITTLE**, Bolton, Lancashire, cheese factor, Nov. 30 at 10, Bolton: Off. Ass. Holden; Sols. Richardson & Hianell, Bolton.—Pet. f. Nov. 16.
- JAMES FISH**, Little Lever, Lancashire, grocer, Dec. 2 at 10, Bolton: Off. Ass. Holden; Sol. Edge.—Pet. f. Nov. 15.
- WILLIAM AULTON**, Birmingham, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Reece, Birmingham.—Pet. f. Nov. 15.
- JOHN HUDSON** the elder, Snape, Suffolk, labourer, Nov. 30 at 1, Framlingham: Off. Ass. Clubbe; Sol. Pollard, Ipswich.—Pet. f. Nov. 6.
- WILLIAM GILES**, Padstow, Cornwall, sawyer, Dec. 2 at 12, St. Columb: Off. Ass. Collins; Sol. Whitefield.—Pet. f. Nov. 16.
- GEORGE TAGG**, Farnham, Surrey, toy and fancy shop keeper, Dec. 2 at 12, Farnham: Off. Ass. Hollest; Sol. White, Guildford.—Pet. f. Nov. 12.
- WILLIAM BURGESS**, Bristol, harness maker, Dec. 6 at 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Brittan, Bristol.
- JOHN TOY**, Bristol, dealer in grease, Dec. 6 at half-past 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Brittan, Bristol.
- JAMES ROBINSON**, Hatfield Broad Oak, Essex, butcher, Nov. 27 at 12, Dunmow: Off. Ass. Wade; Sol. Marshall, 12, Hatton-garden, Middlesex.—Pet. f. Nov. 9.
- THOMAS LAWRENCE**, Halifax, Yorkshire, fishmonger, Nov. 29 at 10, Halifax: Off. Ass. Dyson & Rankin; Sols. Ingram & Baines, Halifax.—Pet. f. Nov. 15.
- WILLIAM BLEAKLEY**, Ardwick, Manchester, beer-house keeper, Dec. 10 at half-past 9, Manchester: Off. Ass. Kay; Sol. Boote, Manchester.—Pet. f. Nov. 7.
- ELIAS ASTEN**, Aitcham, Shropshire, brickmaker, Dec. 9 at 10, Shrewsbury: Off. Ass. Peele; Sol. Davies, Shrewsbury.—Pet. f. Nov. 16.
- THOMAS PLUMB**, Northampton, licensed victualler, Dec. 3 at 11, Northampton: Off. Ass. Dennis; Sol. Hicks, Northampton.
- SAMUEL FOSTER McDONALD**, Millbrook-villas, Tavistock, Devonshire, lodging-house keeper, Nov. 28 at 12, Tavistock: Off. Ass. Vickry; Sol. Carpenter, Tavistock.—Pet. f. Nov. 16.
- JAMES HENRY MILLS**, Brighton, Sussex, Nov. 29 at 10, Brighton: Off. Ass. Everhed; Sol. Goodman, Brighton.
- JAMES MASON**, Wilmslow, Cheshire, tailor, Dec. 2 at 12, Altrincham: Off. Ass. Porter; Sol. Forster.—Pet. f. Nov. 12.
- HENRY EATON**, Newcastle-under-Lyme, Staffordshire, gardener, Nov. 30 at 10, Newcastle-under-Lyme: Off. Ass. Slaney; Sol. Litchfield, Newcastle-under-Lyme.
- THOMAS KINSEY**, Tattenhall, Cheshire, labourer, Nov. 29 at 10, Chester Castle: Off. Ass. Wason; Sol. Cartwright, Chester.
- WILLIAM SCOTT**, Bilston, Staffordshire, bricklayer, and **FREDERICK WILLIAM BARNES**, Wolverhampton, Staffordshire, dealer in cattle food, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown.
- BENJAMIN OVENDEN**, Newcastle-upon-Tyne, out of business, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton; Sol. Hoyle, Newcastle-upon-Tyne.—Pet. f. Nov. 13.
- JOSEPH GRIFFITH**, Castletown, near Shochlach, Cheshire, farmer, Nov. 29 at 10, Chester Castle: Off. Ass. Wason; Sol. Cartwright, Chester.
- GEORGE KNOWLES**, Willenhall, Staffordshire, lock manufacturer, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Skelton, Wolverhampton.
- ELLEN ARNOLD**, widow, Farnworth, Prescot, Lancashire, grocer, Dec. 2 at 11, St. Helena: Off. Ass. Ansdell; Sol. Marsh, St. Helena.—Pet. f. Nov. 13.
- DAVID RUNTON**, Cottesingham, Yorkshire, farmer, Nov. 30 at 12, Kingston-upon-Hull: Off. Ass. Phillips; Sols. Eaton & Beilby, Kingston-upon-Hull.—Pet. f. Nov. 16.
- ROBERT HETHERINGTON**, Newcastle-upon-Tyne, house carpenter, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Nov. 11.
- JOHN BARKER**, Newcastle-upon-Tyne, cabinet maker, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Nov. 13.
- EVAN THOMAS**, St. Fagans, near Cardiff, Glamorganshire, butcher, Dec. 2 at 11, Cardiff: Off. Ass. Langley; Sol. Ensor, Cardiff.—Pet. f. Nov. 14.
- JOHN GOLLEDGE**, Cardiff, Glamorganshire, dealer in stationery, Dec. 2 at 12, Cardiff: Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. Nov. 16.
- GRIFFITH WILLIAMS**, Tynrith-bran, near Pontypridd, Llanwono, Glamorganshire, grocer, Nov. 30 at 11, Pontypridd: Off. Ass. Spickett.
- JOHN PAULL**, Probus, Cornwall, gardener, Dec. 4 at 11, Truro: Off. Ass. Rogers; Sol. Commins, Bodmin.
- CHARLES SCRIMSHIRE** and **WILLIAM PALMER**, Welford, Northamptonshire, bootmakers, Nov. 28 at 12 and 2, Lutterworth: Off. Ass. Gates; Sols. Edwards & Leake, Longbuckby.—Pet. f. Nov. 12.
- WILLIAM PROBERT**, Mountain Ash, Llanwono, Glamorganshire, shoemaker, Dec. 3 at 11, Aberdare: Off. Ass. Rees; Sol. Forwood, Pontmorlais, Merthyr Tydfil.—Pet. f. Nov. 14.
- GEORGE THOMAS**, Aberdare, Glamorganshire, draper, Dec. 3 at 11, Aberdare: Off. Ass. Rees; Sol. Forwood, Pontmorlais, Merthyr Tydfil.—Pet. f. Nov. 14.
- GEORGE JENKINS**, Darlaston, Staffordshire, beer-house keeper, Nov. 29 at 10, Walsall: Off. Ass. Clarke; Sol. Sheldon, Wednesday.
- HENRY HATCH**, Landport, Hampshire, gunner in the Royal Navy, Nov. 30 at 11, Portsmouth: Off. Ass. Howard; Sol. Way.—Pet. f. Nov. 13.
- WILLIAM CAFFIN**, Southsea, Portsea, Southampton, tailor, Nov. 30 at 12, Portsmouth: Off. Ass. Howard; Sol. Wallis, Portsmouth.—Pet. f. Nov. 16.
- JAMES SAUNDERS**, Plympton St. Mary and East Stonehouse, Devonshire, builder, Nov. 29 at 11, East Stonehouse: Off. Ass. Pearce; Sol. Chapman, Devonport.—Pet. f. Nov. 15.
- CHARLES MARSHALL**, Plymouth, Devonshire, bookseller, Nov. 29 at 11, East Stonehouse: Off. Ass. Pearce; Sols. Beer & Rundle, Devonport.—Pet. f. Nov. 14.
- JANE DEAN FELL**, Gainsborough, Lincolnshire, innkeeper, Nov. 29 at 11, Gainsborough: Off. Ass. Burton; Sol. Bladen, Gainsborough.—Pet. f. Nov. 15.

## MEETINGS.

*Edwin Alfred Colwell*, High Holborn, Middlesex, wholesale milliner, Dec. 10 at 1, London, last ex.—*Thomas Greville Potter*, Oxford-street, and Granby-street, Hampstead-road, Middlesex, dealer in lamps, Dec. 10 at half-past 12, London, last ex.—*Edw. Barwick*, Union-court, Old Broad-street, London, lithographer, Dec. 7 at 12, London, last ex.—*Henry Parish Simonds*, Charles-place, Hertford-road, King'sland, Middlesex, gold beater, Dec. 12 at 2, London, last ex.—*James Welch*, City-road, Middlesex, and St. Mary-at-Hill, Eastcheap, City, builder, Dec. 12 at half-past 11, London, last ex.—*Charles Thomas Foster*, Fashion-street, Spital-fields, Middlesex, licensed victualler, Dec. 7 at 12, London, last ex.—*Robert Bird*, Ashford, Kent, plumber, Dec. 10 at 12, London, last ex.—*Joseph Forster*, King's College-road, St. John's-road, Hampstead, Middlesex, commercial traveller, Dec. 10 at half-past 11, London, last ex.—*John Richard Richards*, West-street, Nelson-street, Bermondsey, Surrey, grocer, Dec. 12 at 1, London, last ex.—*W. Cribb*, Moorgate-street, City, merchant, Dec. 12 at 11, London, last ex.—*Augustus Newton*, Curzon-street, May-fair, Middlesex,

esquire, Dec. 17 at 11, London, last ex.—*William Henry Borham*, Cambridge-terrace, Edgware-road, Middlesex, surgeon, Dec. 11 at half-past 2, London, last ex.—*William Henry Chapman*, Garway-road, Westbourne-grove, Middlesex, livery-stable keeper, Dec. 17 at half-past 2, London, last ex.—*John Marshall*, Crescent, Minorities, City, china dealer, Dec. 17 at half-past 1, London, last ex.—*J. Clark*, Princes-street, Stamford-street, Lambeth, Surrey, carman, Dec. 17 at half-past 12, London, last ex.—*C. Terry*, Elliott's-row, Lower-street, Islington, Middlesex, grocer, Dec. 17 at 1, London, last ex.—*Wm. Coridon Jones*, Little Cadogan-place, St. Anne-st., Chelsea, and Chelsea-mews, Tottenham-court-road, Middlesex, horse dealer, Dec. 17 at 12, London, last ex.—*Henry Garrett*, Upper North-place, Gray's-inn-road, Middlesex, attorney's clerk, Dec. 17 at 2, London, last ex.—*John Howick*, Weymouth-terrace, Hackney-road, Middlesex, contractor, Dec. 17 at half-past 11, London, last ex.—*William Stevens*, Lupus-st., Plumtree, Middlesex, commission agent, Dec. 3 at half-past 1, London, last ex.—*Philip Marks*, Amblicote, Oldswinford, Staffordshire, schoolmaster, Dec. 18 at 11, Birmingham, last ex.—*Wm. Walker*, Walsall, Staffordshire, harness manufacturer, Dec. 9 at 11, Birmingham, last ex.—*Samuel Day* and *Joseph Thomas Thackray*, Fenton, Stoke-upon-Trent, Staffordshire, plumbers, Dec. 16 at 11, Birmingham, last ex.—*J. Lamb*, Nottingham, general clothier, Dec. 17 at half-past 11, Nottingham, last ex.—*Thomas Allwood*, Nottingham, farmer, Dec. 17 at half-past 11, Nottingham, last ex.—*Henry Weston*, Eastwood, Nottingham, dealer in smallwares, Dec. 17 at half-past 11, Nottingham, last ex.—*Charles Davis*, Bath, Somersetshire, upholsterer, Dec. 17 at 11, Bristol, last ex.—*Thomas Austwick*, Monk Fryton, Yorkshire, farmer, Dec. 17 at 11, Leeds, last ex.—*John Barker*, Horsforth, Yorkshire, cloth manufacturer, Dec. 17 at 11, Leeds, last ex.—*David Nuttley*, Beverley, head surveyor, Dec. 17 at 11, Leeds, last ex.—*Barnett Harris*, Kingston-upon-Hull, cabinet maker, Dec. 11 at 12, Kingston-upon-Hull, last ex.—*John Bennett*, Everton, near Liverpool, bricklayer, Dec. 18 at 11, Liverpool, last ex.—*J. Jolley*, Liverpool, clothier, Dec. 20 at 11, Liverpool, last ex.—*Thomas Quinn*, Liverpool, draper, Dec. 3 at 12, Liverpool, last ex.—*Charles Smith*, Liverpool, commission merchant, Dec. 20 at 12, Liverpool, last ex.—*George Warhurst*, Leigh, Lancashire, ironmonger, Dec. 2 at 1, Manchester, last ex.—*George Upton* and *W. Crosby*, Manchester, plumbers, Dec. 13 at 1, Manchester, last ex.—*Thomas Rivett*, Stockport, Cheshire, cotton yarn doubler, Dec. 6 at 11, Manchester, last ex.—*John Dean Newcombe*, Everton, Liverpool, clerk, Dec. 18 at half-past 10, Liverpool, last ex.—*David Wm. Owen*, Liverpool, beer retailer, Dec. 4 at half-past 10, Liverpool, last ex.—*Edward Jones*, Liverpool, slater, Dec. 4 at half-past 10, Liverpool, last ex.—*John Hutchinson Galaher*, Hazel's-cottage, near Prescott, slater, and *E. Crosby*, Hazel's-cottage, near Prescott, Lancashire, out of business, Dec. 11 at 2, St. Helena, last ex.—*Theodore Evans*, Stourbridge, Worcestershire, in no profession, Dec. 11 at 10, Worcester, last ex.—*J. Nicholl* and *Robert Frazer North*, Bishopsgate-street Within, City, tallow brokers, Dec. 4 at 12, London, last ex.—*Edward Henry Gregory* and *Leesley A. Gregory*, Great St. Helena, City, African merchants, Dec. 3 at 12, London, last ex.—*George Harris*, Woking, Surrey, tailor, Dec. 5 at 11, London, and ac.—*Thomas Shaskell*, Bristol, woollen merchant, Dec. 12 at 11, Bristol, and ac.—*Wm. Bond*, Bristol, victualler, Dec. 19 at 11, Bristol, and ac.—*Joseph Whitlard*, Bristol, draper, Dec. 5 at 11, Bristol, and ac.—*Wm. Smith Bartlett*, Oldbury, Worcestershire, grocer, Dec. 3 at 11, Birmingham, and ac.—*Thos. Benfield*, Maneston, Warwickshire, innkeeper, Dec. 3 at 11, Birmingham, and ac.—*Joseph Wm. Adlington*, Oldbury, Worcestershire, ironmaster, Dec. 3 at 11, Birmingham, and ac.—*Thomas Cooper* and *Henry Stephen Wallis*, Handsworth, Staffordshire, millers, Dec. 4 at 11, Birmingham, and ac.—*John Bruton*, Hereford, corn chandler, Dec. 3 at 11, Birmingham, and ac.—*Alfred Blow*, Birmingham, mill-band maker, Dec. 4 at 11, Birmingham, and ac.—*Wm. Dunn*, Burslem, Staffordshire, grocer, Dec. 4 at 11, Birmingham, and ac.—*S. H. Beck*, Birmingham, milliner, Dec. 4 at 11, Birmingham, and ac.—*R. Farrall*, Kidsgrove, Staffordshire, grocer, Dec. 10 at 11, Birmingham, and ac.—*S. Harvey*, Birmingham, gold chain manufacturer, Dec. 10 at 11, Birmingham, and ac.—*John Wise*, Stourbridge, Worcestershire, victualler, Dec. 9 at 11, Birmingham, and ac.—*Wm.*

*Downes*, Welverhampton, Staffordshire, grocer, Dec. 10 at 11, Birmingham, and ac.—*Joseph Harrison*, Birmingham, scab-board manufacturer, Dec. 10 at 11, Birmingham, and ac.—*Nathan Kimberley Lloyd*, Birmingham, grocer, Dec. 10 at 11, Birmingham, and ac.—*Wm. Hooke*, Little Stratton, Shropshire, licensed victualler, Dec. 10 at 11, Birmingham, and ac.—*Joseph Maurice Marks*, Birmingham, cabinet maker, Dec. 16 at 11, Birmingham, and ac.—*Edw. Ansell*, South-street, Manchester-square, Middlesex, draper, Dec. 12 at 11, London, div.—*James Martin*, Faversham, Kent, watchmaker, Dec. 16 at 11, London, div.—*Edward Simons*, Newgate-street, London, and Birmingham, lamp dealer, Dec. 11 at half-past 11, London, div.—*Thos. Stinchcombe*, Cloth-fair, City, woollen draper, Dec. 13 at half-past 12, London, div.—*Miles Beale*, Gray-street, Poplar, Middlesex, ironfounder, Dec. 13 at 1, London, div.—*J. Miller*, Chandos-street, Covent-garden, Middlesex, bookseller, Dec. 19 at 12, London, div.—*James Graham*, Liverpool, bias manufacturer, Dec. 11 at 11, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Edward Martin*, Aldgate High-street, City, woollen draper, Dec. 13 at half-past 1, London.—*John Emsinton*, Salisbury, Wiltshire, leatherseller, Dec. 13 at 1, London.—*Mark Warren*, Shoreditch, Middlesex, haberdasher, Dec. 11 at half-past 2, London.—*Daniel Jerry*, Dover, Kent, smith, Dec. 14 at 12, London.—*Joseph John Connihan*, Fenchurch-street, City, merchant, Dec. 11 at 2, London.—*Wm. Brown Taylor*, Norwich, tobaccoist, Dec. 11 at 1, London.—*Wm. Clark* the younger, Southwark-bridge-road, Southwark, and Rockingham-row, New Kent-road, timber merchant, Dec. 11 at 12, London.—*John Shattock*, Long Aston, Somersetshire, farmer, Dec. 17 at 11, Bristol.—*Thomas Coates*, Sunderland, Durham, publican, Dec. 10 at 11, Newcastle-upon-Tyne.—*John Smith*, Falsworth, near Manchester, manufacturer, Dec. 19 at 12, Manchester.

To be granted, unless an Appeal be duly entered.

*Samuel Renaud*, St. James's-street, Hanover-square, Middlesex, innkeeper.—*Richard Batley*, Park-village East, Regent's-park, Middlesex, timber dealer.—*George Goodwin*, Manchester, auctioneer.—*Matthew Dixon Robinson*, Oldbury, Worcestershire, grocer.—*J. Bruton*, Hereford, corn chandler.—*John Reader*, Birmingham, galvanised iron roof manufacturer.—*Samuel Henry Beck*, Birmingham, milliner.—*Hamlet Beardmore*, Burslem, Staffordshire, joiner.

## PETITION ANNULLED.

*Edward Jenkins*, Stroud, Gloucestershire, outfitter.

## SCOTCH SEQUESTRATIONS.

*Wm. Cowie*, Glasgow, tailor.—*G. Kidd & Son*, Arbroath, ropemakers.—*John Paton*, Craighead, Mauchline, farmer.

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By G. FRANCIS, Barrister at Law.

Reg. v. M'Donald.—(Embezzlement—Master and servant—Partnership—Share of profits).....	1127
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## THE JURIST.

LONDON, NOVEMBER 30, 1861.

ALTHOUGH some time must elapse before the meeting of Parliament, the curiosity of the legal world is beginning to be excited as to what branches of the law are to be selected for amendment by the Lord Chancellor. Much is expected from him, for he has promised much; and what he has already effected, while occupying the subordinate offices of Solicitor-General and Attorney-General, forms, of course, but a very minute instalment of those vast improvements in the structure and administration of the law which he appears some years ago to have mapped out for performance when he should reach the high position he now occupies. Moreover, he holds the Great Seal at a period favourable to any great undertaking in the amendment of the law; and he may feel assured that should his measures be only well conceived, they will meet with the support of the public and the favour of the Profession; and none the less so, that they may be extensive in their operation, and involve alterations from which such men as Lords Eldon, Reddendale, and Ellenborough, adhering rigidly to the maxim, "*Stare super antiquas vias*," would have recoiled with dread and dismay, preferring an accumulation of a tangled and ever-increasing mass of statutes and cases, rather than allow any attempt to be made to reduce the laws to lucid order, and to arrange them in such a manner that they might be comprehended by those who were expected to obey, and who, by a legal fiction, cannot even now plead their ignorance of them.

Much has been done by piecemeal legislation to

alter and even improve the statute law here and there—we might almost say everywhere—not always by those who either fully understood what they undertook to amend; but, on the whole, since the passing of the Reform Bill, many good measures have been carried. Great, too, has been the accumulation of cases in our books of reports, and they are still increasing each year in greater numbers, in various series, regular and irregular, authorised and unauthorised.

The evil of this is becoming, nay has become, well nigh intolerable. To use a phrase of the Manchester school, is it not full time for us "to take stock"—to leave off for the present mere repairs and patchwork, and to endeavour, out of the ample materials we have in hand, to raise up a structure worthy of a great and civilised nation?

Other countries of kindred race, with the same, or nearly the same, difficulties to contend against, have already overcome them, and may point, with some degree of satisfaction and pride, to a consolidated statute book, comprised in two or three moderate-sized volumes. Many of the American States, northern and southern, and Canada, have done what we, thanks to the inefficiency of the defunct Statute-law Commission, have failed to do.

The work sketched out by Lord Bacon in his celebrated proposal to amend the laws of England still remains to be done. Will Lord Chancellor Westbury be bold enough to undertake it, or will he rest contented with simply treading in the footsteps of his predecessors, and continue to add to the bulk of our law, and though, perhaps, in some respects improving it, in others increasing its complicated network of doubts and difficulties?

We believe that the Lord Chancellor will adopt the

bolder and wiser course, of avoiding mere piecemeal legislation, and that he will carry out those great and comprehensive measures of law reform which he has so long and so zealously advocated.

We are induced to think this not merely in consequence of the announcements he has so frequently made upon this subject, both in Parliament and elsewhere, but from the vigorous mode in which last session the important Criminal-law Consolidation Acts, the Bankruptcy Act, and the Statute-law Revision Act were carried through Parliament, at a time when that assembly was so fully occupied by political and financial affairs of a most important and distracting nature. We believe, moreover, that the vast majority of the nation is in favour of any well-considered measures, from which we might hope, in due time, to be able to simplify and consolidate, as well as to improve, our laws. It is not now as it was in the time of Sir Samuel Romilly, when the most obvious improvements met with the most determined opposition—when law lords could rest with an easy conscience, after having successfully resisted the attempt to repeal the most sanguinary laws, awarding the punishment of death for the most trifling offences, and could venture to assert that a measure subjecting the real property of deceased debtors to the payment of their simple contract debts would lead to the ruin of the landed proprietors of the realm. All this bigoted attachment to unreasonable and unjust laws has passed away, and a law reformer in the position of Lord Chancellor is not likely to meet with any serious opposition.

With regard to the particular subjects which may occupy the attention of the Lord Chancellor there is much speculation. Will the fusion of law and equity be carried out to any greater and what extent? Is land to be transferred with greater facility and with less expense than at present, and how is the difficult question as to the mode in which it is to be carried out to be solved? What is to be done with the Winding-up Acts? Is the scandalous spectacle to be continued of an estate being wound up in two different courts, bankruptcy and equity, at the same time? Might not equity jurisdiction to a limited extent be conferred upon county courts? If A. agrees to take a farm worth 50*l.* a year from B., why should the former not have a simple, expeditious, and cheap remedy in a county court? If a county court is intrusted with winding up the affairs and distributing the assets of a bankrupt, why should it not have power to distribute the assets of a deceased testator or intestate? Why should not county courts in certain cases have jurisdiction in cases of partnerships? Why should two small tradesmen, partners in a provincial town, who cannot agree to carry on business or wind it up amicably, be forced to apply to the High Court of Chancery for a dissolution and consequential relief? Might not county court judges be intrusted with such matters? These are important questions, and we are convinced that the jurisdiction of the local courts might be very materially increased, greatly to the benefit of litigants, who would be able to settle their disputes without the necessity of having

recourse to the complicated apparatus essential to an approach to the expensive precincts of Lincoln's-inn or Westminster Hall. Here, again, the obstacle to all improvement in the administration of the law, by the extension of the jurisdiction of the local courts, is raised by the enormous bulk of our statute and case law, and of the very conflicting and daily varying character of the latter; and we are convinced that the most essential step to all improvement in the administration of justice in this country is the consolidation of the statute law, and the formation of a digest of our case law, by which it may be not only lessened in bulk, but reduced to order and a greater degree of certainty.

An able letter on the subject of law consolidation has been recently addressed to the Lord Chancellor by a retired Australian judge\*, showing that the subject is a matter of interest even in these remote colonies. The learned judge, with whom in many respects we fully agree, has fallen into some errors, which, perhaps, a recent return to this country has not enabled him to correct. He says, for instance, "As there is a board of commissioners in existence for the consolidation of the statutes, it may be confidently expected that a new collection of enactments will be published, wherein no repealed acts will be inserted, and in which those in operation will be scientifically arranged." The learned judge does not appear to be aware that the Statute-law Commission has long since, with the unanimous approbation of Parliament and the public, ceased to exist, and that it is in consequence thereof, and of the work being placed in the hands of two industrious and able members of the Bar, Messrs. Wood and Reilly, that Parliament was enabled to pass the Statute-law Revision Act of last session; but whether those two gentlemen will be able, unassisted, to complete the work which the learned Australian judge expects from the defunct commission, may reasonably be doubted.

We have not now space to go into the plan of Sir John Dickinson for the digest of the case law, and the compilation of an institute of English law. We fully agree with him that it must be the work of many, and a work of time.

With regard to the composition of the board under whose superintendence the work is to be carried out, we must confess to feeling considerable doubt and hesitation as to its being likely to work well. He proposes that two judges should be induced to retire from the Bench on their full salaries, and with the rank of Privy Counsellors, and to associate themselves with several barristers of minute learning and *extensive practice*, as a board of commissioners, and that such board should compose a digest of some head of law much intersected by statute law—such as the law of evidence—to serve as a model for a digest of other branches of the law, to be composed by members of the legal profession employed by the board.

Now, judges, when induced to retire from the Bench, have generally arrived at that time of life when they

\* A Letter to the Lord Chancellor on Law Consolidation. By Sir John Noddes Dickinson, Knt. London: Ridgway, Piccadilly. 1861.

prefer gentle ease to active exertion; and judges are not necessarily adepts in the art of legal composition. Moreover, barristers in extensive practice, even if willing to become members of the board, would not be very likely to allow the composition of the digest to interfere with the receipt of fees. Members of the legal profession, engaged to compose the corresponding specimens on other branches of the law, would have to wait until the arrival of the Greek kalends for the production of the work which is proposed as the model for their study and imitation.

None, however, know better than the Lord Chancellor the causes of the failure of the Statute-law Commission, and it is not probable that when he undertakes the same or similar tasks he will fall into the same errors which ruined the projects of one of his predecessors.

## THE BANKRUPTCY ACT, 1861.

### COMPOSITION AND INSPECTORSHIP DEEDS.

(Contributed by William Ambrose, Esq., Barrister at Law).

SERIOUS doubts having been expressed in various circles as to whether composition and inspectorship deeds are within the 192nd section of the above act, so as to be binding on creditors who do not execute, a few observations upon the subject may not be unacceptable to the Profession, especially as those doubts are not altogether without foundation.

By the enacting part of the 192nd section of the act in question it is provided, that "every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor, and his release therefrom, or the distribution, inspection, management, and winding up of his estate, or any of such matters, shall be as valid and effectual and binding on all the creditors of such debtor as if they were parties to and had duly executed the same," provided the conditions therein mentioned are observed. Now, looking at the language of the above section, no doubt could be entertained upon the question were it not for the construction which the Courts put upon the clauses of the act of 1849 relating to deeds of arrangement. By the 224th section of that act it was provided, that every deed or memorandum of arrangement "touching such trader's liabilities, and his release therefrom, and the distribution, inspection, conduct, management, and mode of winding up of his estate, or all or any of such matters," should, subject to the conditions thereafter mentioned, be as effectual &c. upon all the creditors who shall not have signed as if they had duly signed &c. Now, one would have thought the above language quite wide enough to include all deeds of arrangement, whether deeds of composition, inspectorship, or otherwise; and so it was held by the Court of Queen's Bench in the case of *Talley v. Taylor* (1 El. & Bl. 527). But that decision was reversed by the Court of Exchequer Chamber, which decided, "that a deed providing for the distribution of the estate and effects of the debtor as in bankruptcy was alone contemplated." (See 1 El. & Bl. 542, 543). A decision to the same effect was also given by the Court of Common Pleas in *Drew v. Collins* (6 Emh. 670); and these decisions have been uniformly followed in subsequent cases. Now, the language of the 192nd section of the recent act is so much stronger than that of the 224th section of the act of 1849, that if the cases which have been cited had been decided mainly on the language of the 224th section, there need have been little hesitation in arriving at the conclusion that the 192nd section of the

recent act does include composition and inspectorship deeds. But what gives rise to doubts upon the question is, that the decisions above cited did not proceed so much upon the language of the 224th section itself, but upon the preceding and subsequent sections, from which it appeared, first, that compositions were expressly mentioned where intended to be referred to; and, secondly, that the 228th and 229th sections clearly contemplated an administration of the debtor's estate, by reserving to creditors their rights of lien and priority, and giving them the right to apply to the Court in any case of maladministration of the estate. The first ground upon which the decisions in question were based is not found in the recent act, for although composition deeds are expressly mentioned in the body of the 185th section, relating to change from bankruptcy to arrangement, yet as it is clear, from the heading to the group of clauses, of which the 192nd is the first, that composition and inspectorship deeds are intended to be included in some one or more of those clauses, and yet are not expressly mentioned in any one of them, it cannot be contended that in the recent act composition deeds are expressly mentioned where intended to be referred to. The circumstance that composition and inspectorship deeds are expressly mentioned in the grouping of the clauses in question has, indeed, been mentioned as an argument in favour of the view that those deeds are comprehended in the 192nd section; but much stress cannot be laid upon that circumstance, for the mention of composition and inspectorship deeds in the heading in question may be referred to the 194th section, under which they are beyond all doubt included. With reference, however, to the second and principal ground upon which the cases above cited proceeded, viz. that the 228th and 229th sections clearly contemplated an administration of the debtor's estate, it would appear that the sections of the recent act following the 192nd, and, indeed, the conditions specified in the 192nd section itself, are quite as strong to shew that an administration of the debtor's estate was intended as anything in the act of 1849. Thus, the fifth condition requires the value of "the property and credits of the debtor comprised in such deed" to be valued by the affidavit; and the seventh condition requires, that, "immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees." Again: the 195th section would appear to contemplate that every such deed must comprise "estate or effects," for it is thereby provided that no such deed is to be registered unless it is stamped with the ad valorem duty upon "the estate and effects comprised therein." However, the principal doubt appears to arise upon the 197th section, whereby it is provided, that "from and after the registration of every such deed or instrument in manner aforesaid, the debtor, and creditors, and trustees, parties to such deed, or who have assented thereto or are bound thereby, shall, in all matters relating to the estate and effects of such debtor, be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of and be liable to all the provisions of this act, in the same or like manner as if the debtor had been adjudged a bankrupt, and the creditors had proved, and the trustees had been appointed creditors' assignees under such bankruptcy; and the existing or future trustees of any such deed or instrument, and the creditors under the same, shall, as between themselves respectively, and as between themselves and the debtor, and against third persons, have the same powers, rights, and remedies with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed or may

be used or exercised by assignees or creditors with respect to the bankrupt, or his acts, estate, and effects in bankruptcy; and, except where the deed shall expressly provide otherwise, the Court shall determine all questions arising under the deed, according to the law and practice in bankruptcy, so far as they may be applicable, and shall have power to make and enforce all such orders as it would be authorised to do if the debtor in such deed had been adjudged bankrupt, and his estate were administered in bankruptcy"—provisions clearly indicating that that section, at all events, contemplated only a deed providing for the distribution of the debtor's effects. But, notwithstanding all these doubts, it is submitted that the 192nd section of the recent act will include composition and inspectorship deeds, and upon this ground, that the sections of the recent act following the 192nd, and apparently contemplating "distribution," will not have the same force in restricting the language of the 192nd section of the recent act as the sections of the act of 1849, preceding and following the 224th section, had in restricting the language of that section; for in the language of the 224th section of the act of 1849 there was much greater ambiguity than in the 192nd section of the recent act, it being a question whether the words "or all or any of such matters" applied to the whole of the sentence, "touching such trader's liabilities, and his release therefrom, and the distribution, inspection, and winding up" &c., or whether they applied only to the matters enumerated in the latter part of the sentence, commencing with the words, "and the distribution, inspection, and winding up" &c. (see the judgment of the Chief Justice in *Tetley v. Taylor*, above cited); and, there being such ambiguity, the subsequent sections were considered, and as those sections clearly contemplated distribution, the judges read the words "or all or any of such matters" as applying only to the latter part of the sentence, commencing "and the distribution, winding up" &c.; so that, as interpreted by them, the 224th section of the act of 1849 read just as the 192nd section of the new act would read, if instead of the word "or," in the sentence, "touching the debts and liabilities of the debtor, and his release therefrom, or the distribution, winding up" &c., the word "and" were substituted. But the introduction into the 192nd section of the recent act of the word "or" in the place where the word "and" stood in the act of 1849 makes the language of the recent act so strong, that, notwithstanding the conditions forming part of the 192nd section and the following sections, which clearly contemplate administration as in bankruptcy, the true conclusion seems to be, that distribution is not necessarily contemplated by the recent act, and that the conditions and sections alluded to, clearly contemplating distribution, must be confined to the cases in which they are applicable. That construction, although contended for by counsel in the cases upon the act of 1849 above cited, was not adopted, because, there being the ambiguity above indicated in the 224th section, the subsequent sections were made the key for determining that ambiguity, in such a way that the subsequent sections became quite consistent. As, however, there is no ambiguity whatever in the enacting part of the 192nd section of the recent act, and the whole difficulty is created by the fifth and seventh conditions to that section and the subsequent sections, the true rule of construction of the new act would appear to be, to give effect to the plain language of the enacting part of the 192nd section, and confine the conditions mentioned in that section, and the provisions of the subsequent sections, contemplating distribution, to cases in which distribution is applicable. In that way effect can be given to the whole

act; whereas, if composition and inspectorship deeds were to be excluded from it, on the ground that subsequent parts of the act clearly contemplated "distribution," the plain language of the enacting part of the 192nd section must be treated as a dead letter. No doubt the new rules cannot be regarded as a part of the act for the purpose of construction; but in confirmation of the conclusions above arrived at, and as shewing the opinion of the Lord Chancellor and the commissioners who have signed those rules, upon the question under consideration, it may be remarked that the 19th rule gives a form of memorandum to be delivered by the solicitor for the purpose of facilitating the making of entries under sect. 193 (relating to deeds comprised in sect. 192), and that in such form the "title of deed, whether deed of assignment, composition, or inspectorship," is to be stated. A difficulty, no doubt, arises in determining, in the case of composition and inspectorship deeds, what is "the property comprised therein" upon which ad valorem duty will be payable. But it is submitted that such difficulty is no argument against the conclusion that composition and inspectorship deeds are comprised in the 192nd section; for, even assuming that they are not within that section, the difficulty would still remain; for if not within the 192nd section, they are at all events included in the 194th section, and therefore require registration, and as such must, under the 195th section, be stamped with an ad valorem duty, calculated upon "the sworn or certified value of the estate or effects comprised in, or to be collected or distributed under, such deed or instrument."

It is suggested, however, that in the case of a composition or inspectorship deed, the value of "the estate and effects comprised therein" must be ascertained by reference to the amount of the composition or debt (as the case may be) which the debtor may pay or secure to his creditors; and, as a matter of fact, it may be stated that several composition deeds so stamped have already been admitted to registration.

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#### MR. JUSTICE HILL.

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THE resignation of Sir Hugh Hill, one of the judges of the Court of Queen's Bench, on the ground of ill health, so often prematurely announced, has, we regret to say, at length proved a reality; and, so far as we have been able to learn, his successor has not yet been appointed, although, as usual on such occasions, rumour with her thousand tongues is very busy on the matter.

The judicial career of Mr. Justice Hill has been bright, though short; and we believe we express the opinion of the entire Profession when we say that had his health remained intact, he would in the course of a few years have earned a place among the very greatest of British judges—among the illustrious few who appear from time to time the ornaments of our jurisprudence, and whose names, decisions, and even words are remembered to all ages. Even as it is, his reputation as a judge stands very high; but in order fully to comprehend his merit, we must consider the fearful enemy he had to struggle with in his health. For the last few terms it was a spectacle alike grand and painful to behold Mr. Justice Hill sitting in the Court of Queen's Bench. However great the severe personal ailments against which he was evidently struggling, the mens divini, the mind within, rose superior to all; his attention never swerved for one moment from the question before the Court; be that question what it might, he was fully prepared to grapple with it; and, with the greatest respect for the other members of that Court be it spoken, the thus afflicted man shone forth as its very life and soul.

Let us hope that the cheering reflection of having ably and zealously discharged his duty to the last, and not abandoned his post until driven to it by the dire hand of necessity, will for many long years

"Solace his age and sanctify his rest."

### BOOKS RECEIVED.

A Letter to the Lord Chancellor on Law Consolidation. By Sir John Nodds Dickinson, Knt., late one of the Judges of the Supreme Court of New South Wales, and Acting Chief Justice of that Colony.—James Ridgway. 1861.

In the Superior Court, Montreal.—Alfred Morrison, Plaintiff, The Grand Junction Railway Company of Canada, Defendants.—Report of Arguments heard at Montreal, before Mr. Justice Monk, on the 23rd, 24th, and 25th October, 1861. Reported by James Kirby, B. A., Student-at-Law.—Toronto: Henry Rowsell, 1861.

### EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

MICHAELMAS TERM, 1861.

At the examination of candidates for admission on the roll of attorneys and solicitors of the Superior Courts, the Examiners recommended the following gentlemen, under the age of twenty-six, as being entitled to honorary distinction:—

1. James Richardson Pearless, aged twenty-two, who served his clerkship to Mr. William Pearless, of East Grinstead, Sussex.

2. Herbert Henry Cornish, aged twenty-one, who served his clerkship to Messrs. Cornish & Chilcott, of Tavistock, and Messrs. Rodd & Cornish, of Penzance.

3. Walter John Till, aged twenty-one, who served his clerkship to Messrs. Drummonds, Robinson, & Till, of Croydon.

4. Arthur Lindo, aged twenty-two, who served his clerkship to Mr. Nethaneel Lindo, of London.

The Council of the Incorporated Law Society have accordingly awarded the following prizes of books:—

To Mr. Pearless, the prize of the Honourable Society of Clifford's-inn; to Mr. Cornish, one of the prizes of the Incorporated Law Society; to Mr. Till, one of the prizes of the Incorporated Law Society; and to Mr. Lindo, one of the prizes of the Incorporated Law Society.

The Examiners have also certified that the following candidates, whose names are placed in alphabetical order, passed examinations which entitle them to commendation:—

Thomas Ferguson Ansell, aged twenty-three, who served his clerkship to Mr. John Ansell, of St. Helena, Lancashire, and Messrs. Walker & Smith, of Chester; Francis Ross Greatwood, aged twenty-two, who served his clerkship to Mr. Alexander Waddington, of Usk, and Messrs. Thomas White & Sons, of London; William Frederick Gush, aged twenty-two, who served his clerkship to Messrs. Walters & Son, of London; and Robert Harding Milward, aged twenty-three, who served his clerkship to Mr. William Penn Allcock, of Birmingham, and Messrs. Fallows & Son, of London.

The Council have accordingly awarded them certificates of merit.

The Examiners have further announced to the following candidates that their answers to the questions at the examination were highly satisfactory, and would

have entitled them to prizes or certificates of merit if they had been under the age of twenty-six:—

1. John Holmes, aged thirty, who served his clerkship to Messrs. Crosley & Burn, of London.

2. Charles Henry Wiltshire, aged twenty-eight, who served his clerkship to Mr. George Edward Sharland, of Gravesend.

3. Thomas Edelston, aged thirty-one, who served his clerkship to Mr. Thomas Harris, of Preston.

The number of candidates examined in this term was 104; of these 92 were passed, and 12 postponed.

By order of the Council,

ROBERT MAUGHAM, Secretary.

Law Society's Hall, Nov. 21, 1861.

### Court Papers.

SITTINGS AFTER MICHAELMAS TERM, 1861.

#### Court of Chancery.

Before the LORD CHANCELLOR.

At Lincoln's Inn.

Tuesday ....	Dec. 3	{ First Seal.—Appeal Motions and Appeals.
Wednesday ....	4	{ Petitions and Appeals.
Thursday .....	5	
Friday .....	6	
Saturday .....	7	{ Appeals.
Monday .....	9	
Tuesday .....	10	
Wednesday ....	11	
Thursday .....	12	{ Second Seal.—Appeal Motions and Appeals.
Friday .....	13	
Saturday .....	14	
Monday .....	16	{ Appeals.
Tuesday .....	17	
Wednesday ....	18	
Thursday .....	19	{ Third Seal.—Appeal Motions and Appeals.
Friday .....	20	{ Appeals.
Saturday .....	21	{ Petitions and Appeals.

Before the LORDS JUSTICES.

At Lincoln's Inn.

Tuesday ....	Dec. 3	{ First Seal.—Appeal Motions and Appeals.
Wednesday ....	4	{ Appeals.
Thursday .....	5	
Friday .....	6	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	7	
Monday .....	9	{ Appeals.
Tuesday .....	10	
Wednesday ....	11	
Thursday .....	12	{ Second Seal.—Appeal Motions and Appeals.
Friday .....	13	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	14	
Monday .....	16	{ Appeals.
Tuesday .....	17	
Wednesday ....	18	
Thursday .....	19	{ Third Seal.—Appeal Motions and Appeals.
Friday .....	20	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	21	{ Appeals.

Notice.—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.



*Before the MASTER OF THE ROLLS.**At Chancery-lane.*

Tuesday .... Dec. 3	First Seal.—Motions.
Wednesday .... 4	} General Paper,
Thursday ..... 5	
Friday ..... 6	
Saturday ..... 7	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday ..... 9	} General Paper.
Tuesday ..... 10	
Wednesday .... 11	
Thursday ..... 13	Second Seal.—Motions.
Friday ..... 13	General Paper.
Saturday ..... 14	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday ..... 16	} General Paper.
Tuesday ..... 17	
Wednesday .... 18	
Thursday ..... 19	Third Seal.—Motions.
Friday ..... 20	General Paper.
Saturday ..... 21	Petitions, Short Causes, Adjourned Summons, and General Paper.

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.**At Lincoln's Inn.*

Tuesday .... Dec. 3	First Seal.—Motions and General Paper.
Wednesday .... 4	} General Paper.
Thursday ..... 5	
Friday ..... 6	
Saturday ..... 7	Petitions and General Paper.
Monday ..... 9	} Short Causes, Adjourned Summons, and General Paper.
Tuesday ..... 10	
Wednesday .... 11	
Thursday ..... 12	Second Seal.—Motions and General Paper.
Friday ..... 13	Petitions and General Paper.
Saturday ..... 14	Short Causes, Adjourned Summons, and General Paper.
Monday ..... 16	} General Paper.
Tuesday ..... 17	
Wednesday .... 18	
Thursday ..... 19	Third Seal.—Motions and General Paper.
Friday ..... 20	Petitions and General Paper.
Saturday ..... 21	Short Causes, Adjourned Summons, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.**At Lincoln's Inn.*

Tuesday .... Dec. 3	First Seal.—Motions and General Paper.
Wednesday .... 4	} General Paper.
Thursday ..... 5	
Friday ..... 6	
Saturday ..... 7	Petitions and General Paper.
Monday ..... 9	Short Causes and General Paper.
Tuesday ..... 10	} General Paper.
Wednesday .... 11	
Thursday ..... 12	
Friday ..... 13	Second Seal.—Motions and General Paper.
Saturday ..... 14	Petitions and General Paper.
Monday ..... 16	Short Causes and General Paper.
Tuesday ..... 17	} General Paper.
Wednesday .... 18	

Thursday ..... 19	Third Seal.—Motions and General Paper.
Friday ..... 20	Petitions and General Paper.
Saturday ..... 21	Short Causes and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir W. P. WOOD.**At Lincoln's Inn.*

Tuesday .... Dec. 3	First Seal.—Motions and General Paper.
Wednesday .... 4	} General Paper.
Thursday ..... 5	
Friday ..... 6	
Saturday ..... 7	Petitions, Short Causes, and General Paper.
Monday ..... 9	} General Paper.
Tuesday ..... 10	
Wednesday .... 11	
Thursday ..... 12	Second Seal.—Motions and General Paper.
Friday ..... 13	General Paper.
Saturday ..... 14	Petitions, Short Causes, and General Paper.
Monday ..... 16	} General Paper.
Tuesday ..... 17	
Wednesday .... 18	
Thursday ..... 19	Third Seal.—Motions and General Paper.
Friday ..... 20	General Paper.
Saturday ..... 21	Petitions, Short Causes, and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

## WINTER CIRCUITS OF THE JUDGES.

*Before CROMPTON, J.*

*County of Chester*—Tuesday, Dec. 3, at Chester.

*Before WILLIAMS, J.*

*County of Kent*—Monday, Dec. 3, at Maidstone.

*County of Southampton*—Saturday, Dec. 7, at the Castle of Winchester.

*County of Devon*—Saturday, Dec. 14, at the Castle of Exeter.

*City of Exeter*—Saturday, Dec. 14, at the Guildhall, Exeter.

*County of Somerset*—Thursday, Dec. 19, at Taunton.

*Before WIGHTMAN, J.*

*County of Durham*—Tuesday, Dec. 3, at Durham.

*County of York*—Saturday, Dec. 7, at the Castle of York.

*City of York*—Saturday, Dec. 7, at the Guildhall, York.

*Before WILLES, J.*

*County of Gloucester*—Monday, Dec. 2, at Gloucester.

*City of Gloucester*—Monday, Dec. 2, at the City of Gloucester.

*County of Monmouth*—Friday, Dec. 6, at Monmouth.

*County of Worcester*—Monday, Dec. 9, at Worcester.

*City of Worcester*—Monday, Dec. 9, at the City of Worcester.

*County of Warwick*—Thursday, Dec. 12, at Warwick.

*County of Glamorgan*—Thursday, Dec. 19, at Cardiff.

*Before MARTIN, B.*

*County of Oxford*—Tuesday, Dec. 3, at Oxford.

*County of Lincoln*—Thursday, Dec. 5, at the Castle of Lincoln.

*City of Lincoln*—Thursday, Dec. 5, at the City of Lincoln.

*County of Norfolk*—Saturday, Dec. 7, at the Castle of Norwich.

*City of Norwich*—Saturday, Dec. 7, at the Guildhall Norwich.

*County of Suffolk*—Tuesday, Dec. 10, at Bury St. Edmunds.

*County of Northampton*—Thursday, Dec. 12, at Northampton.

*County of Stafford*—Saturday, Dec. 14, at Stafford.

Before CHANNELL, B.

*County of Lancaster, Southern Division*—Tuesday, Dec. 3, at Liverpool.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed George Hollings, Gent., of Carlton Chambers, No. 12, Regent-street, to be a London Commissioner to administer oaths in the High Court of Chancery.

GEORGE FEVEYER CLARE and GEORGE REVETT CLARE, Framlingham, Suffolk, auctioneers, Dec. 10 at 3, London: Off. Ass. Edwards; Sols. Moseley & Massey, Framlingham; Moseley & Co., 8, Old Jewry-chambers, London.—Pet. f. Nov. 19.

JAMES DAVIS (known as John Davies), Peterborough, Northamptonshire, licensed victualler, and High-street, Southwark, Surrey, assistant to a horse dealer, Dec. 17 at 12, London: Off. Ass. Edwards; Sol. Solomon, 22, Finsbury-place, London.—Pet. f. Nov. 20.

MARK TABBUCK, Cambridge-road, Mile-end-gate, Bethnal-green, Middlesex, fishmonger (now a prisoner in Whitecross-street Prison), Dec. 17 at 2, London: Off. Ass. Edwards.—Pet. f. Nov. 18.

THOMAS DAVEY, Woodford, Essex (now a prisoner in Whitecross-street Prison), Dec. 17 at 2, London: Off. Ass. Edwards.

JAMES WINTERBORN, Marlborough-mews, Oxford-street, Middlesex, carpenter (now a prisoner in the Debtors Prison for London and Middlesex), Dec. 17 at 12, London: Off. Ass. Edwards.

JOHN PORTER, Lincoln's-inn-fields, Middlesex, solicitor (now a prisoner in the Debtors Prison for London and Middlesex), Dec. 17 at 1, London: Off. Ass. Edwards.

JOHN WILLIT WILLIAMS, Willow-walk, Bermondsey, Surrey, out of business (now a prisoner in the Gaol of Maidstone), Dec. 17 at 3, London: Off. Ass. Edwards.

DAVID HEARD, Barking, Essex, carpenter (now a prisoner in the Gaol of Springfield), Dec. 17 at 3, London: Off. Ass. Edwards.

WILLIAM THOMAS DAIRY, Bruton-street, Berkeley-square, Middlesex (now a prisoner in the Gaol of Taunton), Dec. 21 at 11, London: Off. Ass. Edwards.

JAMES TRIBE, Canterbury-terrace, Beresford-street, Walworth, Surrey, wholesale fancy stationer, Dec. 17 at 8, London: Off. Ass. Edwards; Sols. Cutler & Weall, Bell-yard, Doctors'-commons, City.—Pet. f. Nov. 21.

HENRY JAMES BROWN, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, cheesemonger, Dec. 17 at half-past 3, London: Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street, City.—Pet. f. Nov. 21.

THOMAS HINSON REE, New Henry-street, Cotton's Estate, Limehouse, Middlesex, coal weigher, Dec. 17 at 1, London: Off. Ass. Edwards; Sol. Chorley, 48A, Moorgate-street, London.—Pet. f. Nov. 21.

THOMAS ASHWORTH, Birmingham, betting man on commission, Dec. 9 at 11, Birmingham: Off. Ass. Whitmore.—Pet. f. Nov. 20.

FREDERICK BRADLEY, Tipton, Staffordshire, surgeon, Dec. 12 at 11, Birmingham: Off. Ass. Whitmore; Sols. Robinson, Dudley; James & Knight, Birmingham.—Pet. f. Nov. 19.

WILLIAM BOTT, Shrewsbury, Shropshire, out of business, Dec. 9 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. f. Nov. 19.

HENRY TIPPER, Cheadle, Staffordshire, confectioner, Dec. 6 at 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. f. Nov. 21.

GEORGE BARNES, Newcastle-under-Lyme, Staffordshire, physician, Dec. 9 at 12, Birmingham: Off. Ass. Kinnear; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. f. Nov. 20.

THOMAS WHITEHOUSE, Falling Heath, near Wednesbury, out of business, Dec. 6 at 11, Birmingham: Off. Ass. Kinnear; Sol. Duignan, Walsall.—Pet. f. Nov. 21.

CHARLES MAJOR HERBERT, Walsall, Staffordshire, coal merchant, Dec. 6 at 11, Birmingham: Off. Ass. Kinnear; Sols. Barnett & Marlow.—Pet. f. Nov. 21.

THE REV. WILLIAM VANCROSSON DAWSON, Alfrick, Worcestershire, clerk in orders, Dec. 9 at 12, Birmingham: Off. Ass. Whitmore; Sols. E. & H. Wright, Birmingham; Elliott, 69, Lincoln's-inn-fields, London.—Pet. f. Nov. 21.

CHARLES BULLOCK, Warwick, innkeeper, Dec. 9 at 12, Birmingham: Off. Ass. Whitmore; Sols. Newsam & Chadwick, Warwick; James & Knight, Birmingham.—Pet. f. Nov. 21.

FRANK ALEXANDER HUET, Wolverhampton, Staffordshire, dentist, Dec. 9 at 12, Birmingham: Off. Ass. Whitmore; Sols. Thorn, Wolverhampton; James & Knight, Birmingham.—Pet. f. Nov. 21.

JAMES MARTIN, Sleaford, Lincolnshire, tea dealer, Dec. 5 at 11, Nottingham: Off. Ass. Harris; Sols. Brown & Son, Lincoln.—Pet. f. Nov. 19.

WOOLSTAN MARSHALL, Ilkeston, Derbyshire, grocer, Dec. 5 at 11, Nottingham: Off. Ass. Harris; Sol. Lees, Nottingham.—Pet. f. Nov. 21.

JOHN NEWTON, Neath, Glamorganshire, dealer in cheese, Dec. 9 at 1, Bristol: Off. Ass. Acraman; Sol. Brittan, Bristol.

CHARLES SHEPPARD, Bridgend, Glamorganshire, mineral agent, Dec. 9 at 12, Bristol: Off. Ass. Acraman; Sols. Slack & Simmons, Bath; Abbot & Co., Bristol.—Pet. f. Nov. 18.

WILLIAM JOSEPH THOMAS, Hay, Breconshire, attorney-at-law, Dec. 9 at 11, Bristol: Off. Ass. Miller; Sols. Abbot & Co., Bristol; J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Nov. 20.

THOMAS RENFREE, Penzance, Cornwall, boot manufacturer, Dec. 10 at 12, Exeter: Off. Ass. Hirtzel; Sols. Terrell, Exeter; Burr, 12, Paternoster-row, London.—Pet. f. Nov. 2.

HENRY LOWMAN DENNIS, Weymouth, Dorsetshire, general contractor, Dec. 5 at 12, Exeter: Off. Ass. Hirtzel; Sols. Welsford, Weymouth; Head & Venn, Exeter.—Pet. f. Nov. 20.

CHARLES BIDDLECOME EWENS, Culmpton, Devonshire, fellmonger, Dec. 5 at 12, Exeter: Off. Ass. Hirtzel; Sol. Clarke, Exeter.—Pet. f. Nov. 20.

WILLIAM HANSON, Oseott, Yorkshire, rag dealer, Dec. 5 at 11, Leeds: Off. Ass. Young.

WILLIAM NICHOLSON, Low Harrogate, Yorkshire, baker, Dec. 5 at 11, Leeds: Off. Ass. Young.

JOHN WRIGHT, Scarborough, Yorkshire, commission agent, Dec. 5 at 11, Leeds: Off. Ass. Young.

ROBERT SCARTH, Morley, Yorkshire, cloth manufacturer, Dec. 5 at 11, Leeds: Off. Ass. Young.

MARK BALL, Huddersfield, Yorkshire, cloth fuller, Dec. 5 at 11, Leeds: Off. Ass. Young.

JOSEPH BOOTH ARUNDALE, Pudsey, Yorkshire, cloth manufacturer, Dec. 5 at 11, Leeds: Off. Ass. Young.

WILLIAM WATTS, New Whittington, near Chesterfield, Derbyshire, grocer, Dec. 7 at 11, Sheffield: Off. Ass. Young.

KITCHINGMAN GRAVIL, Attercliffe, Yorkshire, grocer, Dec. 7 at 11, Sheffield: Off. Ass. Young.

THOMAS SHAW, Sheffield, butcher, Dec. 7 at 11, Sheffield: Off. Ass. Young.

HENRY WATSON, Sheffield, scale cutter, Dec. 7 at 11, Sheffield: Off. Ass. Young.

HENRY HOUNSFIELD LINLEY, Sheffield, coal merchant, Dec. 7 at 11, Sheffield: Off. Ass. Young.

WILLIAM HOWELL, Liverpool, iron drum manufacturer, Dec. 5 at half-past 11, Liverpool: Off. Ass. Bird; Sols. Harvey & Co.—Pet. f. Nov. 20.

GASKELL JOHNSON, Liverpool, merchant, Dec. 5 at 12, Liverpool: Off. Ass. Morgan; Sols. Evans & Co.—Pet. f. Nov. 19.

JAMES HOLT and RICHARD BELL, Tottington, near Bury, Lancashire, cotton spinners (trading under the style or firm of James Holt & Co.), Dec. 9 at 12, Manchester: Off. Ass. Fraser; Sol. Leigh, Manchester.—Pet. f. Nov. 18.

ANNE CHURCH, Liverpool, licensed victualler (a prisoner in the Liverpool Borough Prison), Dec. 5 at half-past 12, Liverpool: Off. Ass. Morgan; Sol. Husband, Liverpool.—Pet. f. Nov. 20.

JAMES WARREN, Charlestown, Ashton-under-Lyne, Lancashire, provision dealer, Dec. 10 at 12, Manchester: Off. Ass. Fraser; Sols. Sutton, Manchester; Evans, Ashton-under-Lyne.—Pet. f. Nov. 19.

JAMES DOBBS, Manchester, innkeeper, Dec. 3 at 11, Manchester: Off. Ass. Hernaman; Sol. Rowley, Manchester.—Pet. f. Nov. 7.

THOMAS RHODES, Manchester, patent wadding manufacturer (a prisoner in the Debtors Prison for London and Middlesex), Dec. 2 at 12, Manchester: Off. Ass. Hernaman.

ROBERT BOOTH, Longsight, near Manchester, packer, Dec. 9 at 12, Manchester: Off. Ass. Hernaman; Sols. Atkinson & Herford, Manchester.—Pet. f. Nov. 18.

FREDERICK LAW, Manchester, corn factor (a prisoner in the Castle at Lancaster), Dec. 3 at 11, Manchester: Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. Nov. 13.

FRANCIS HOLME, Liverpool, butcher, Dec. 6 at 12, Liverpool: Off. Ass. Hime; Sol. Husband, Liverpool.—Pet. f. Nov. 13.

WILLIAM STEPHENS, Birmingham, builder, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Sargent, Birmingham.—Pet. f. Nov. 18.

GEORGE LAWRENCE, Birmingham, cabinet maker, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Asinider, Birmingham.—Pet. f. Nov. 18.

WILLIAM BROOKSBY, Balwell, Nottinghamshire, lime burner, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Nov. 19.

JOHN DODD, Nottingham, box manufacturer, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt.

JOHN SAMUEL WALKER, Nottingham, commission agent, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt.

FRANK BOWEN, Nottingham, draper, Dec. 4 at 10, Nottingham: Off. Ass. Patchitt.

THOMAS CASE, Halewood, Childwall, Lancashire, boot-maker, Dec. 9 at 11, St. Helens: Off. Ass. Ansdell; Sol. Marsh, St. Helens.—Pet. f. Nov. 18.

THOMAS CALVERT, Rochdale, Lancashire, iron moulder, Dec. 9 at 12, Rochdale: Off. Ass. Woods; Sol. Standring, jun., Rochdale.—Pet. f. Nov. 19.

ANN CULLIS, Lowesmoor, St. Martin, Worcestershire, coal dealer, Dec. 4 at 11, Worcester: Off. Ass. Hill; Sol. Rea, Worcester.—Pet. f. Nov. 13.

RICHARD FERGUSON, Aberdare, Glamorganshire, market gardener, Dec. 10 at 11, Aberdare: Off. Ass. Rees; Sol. Hollier.—Pet. f. Nov. 18.

BENJAMIN BUSSELL, Neath, Glamorganshire, commercial traveller, Dec. 5 at 12, Neath: Off. Ass. Morgan; Sol. Tripp, Swansea.—Pet. f. Nov. 19.

GEORGE RANDS, Werrington, Northamptonshire, farmer, Dec. 2 at 11, Peterborough: Off. Ass. Gaches; Sol. Rutland.—Pet. f. Nov. 16.

JAMES MARIOTT, Whittlesey, Isle of Ely, Cambridgeshire, tailor, Dec. 7 at 11, Cambridge: Off. Ass. Gaches.

JOHN FORTH, Eye, Northamptonshire, innkeeper, Dec. 2 at 16, Peterborough: Off. Ass. Gaches; Sol. Rutland.—Pet. f. Nov. 11.

THOMAS SCOTT, Carlisle, Cumberland, innkeeper, Dec. 10 at 11, Carlisle: Off. Ass. Halton; Sol. Ostell.—Pet. f. Nov. 18.

WALTER JOHN MILLS, Messing, Essex, veterinary surgeon, Dec. 3 at 11, Colchester: Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. Nov. 21.

WILLIAM HOWE, Coventry, Warwickshire, builder, Dec. 21 at 1, Coventry: Off. Ass. Troughton; Sol. Duke, Birmingham.—Pet. f. Nov. 18.

JOHN LUMLEY, Middlesbrough, Yorkshire, joiner, Dec. 5 at 11, Stockton-on-Tees: Off. Ass. Crosby; Sol. Dobson, Middlesbrough.—Pet. f. Nov. 16.

SAMUEL MARSHALL, Stockton, Durham, accountant, Dec. 5 at 2, Stockton-on-Tees: Off. Ass. Crosby; Sol. Trotter, Stockton.—Pet. f. Nov. 12.

ROBERT LIGHT, Wormbridge, Shropshire, carpenter, Nov. 27 at 10, Wellington: Off. Ass. Newill.

WILLIAM SHARP MONDAY, Egham, Surrey, grocer, Dec. 11 at 12, Chertsey: Off. Ass. Gregory; Sol. Voules, Windsor.—Pet. f. Nov. 20.

GEORGE BARFORD, Luton, Bedfordshire, straw-hat manufacturer, Dec. 4 at 12, Luton: Off. Ass. Williamson; Sol. Scargill, Luton.—Pet. f. Nov. 20.

EDWARD HOUGHTON, Daventry, Northamptonshire, tailor, Nov. 25 at 11, Daventry: Off. Ass. Willoughby; Sol. Gery (and not Gay, as previously advertised).—Pet. f. Nov. 11.

ISAAC TAYLOR WHITE, Long Buckby (and not Buckley, as previously advertised), Northamptonshire, out of business, Nov. 26 at 12, Daventry: Off. Ass. Willoughby; Sol. White, Northampton.—Pet. f. Nov. 12.

RICHARD ROE, Llanelly, Carmarthenshire, baker, Nov. 28 at 12, Llanelly: Off. Ass. Jones; Sol. Perkins.

RICHARD SCOTT, Everton, Lancashire, out of business, Dec. 11 at 2, Liverpool: Off. Ass. Hime; Sol. Wynne, Liverpool.—Pet. f. Nov. 20.

JOHN BATESON, Doncaster, Yorkshire, tobacconist, Dec. 3 at 12, Doncaster: Off. Ass. Mason; Sol. Harle, Leeds.—Pet. f. Nov. 20.

JAMES GRANT, Strangeways, Lancashire, manager of a cotton manufactory, Dec. 2 at 10, Salford: Off. Ass. Hul-ton; Sols. G. & R. W. Maraland, Manchester.—Pet. f. Nov. 20.

ROBERT FYSON DENNIS, Fordham, Cambridgeshire, Nov. 29 at 11, Soham: Off. Ass. Hustwick.

DAVID FENNER, Sheerness, Kent, licensed dealer in beer, Dec. 7 at 12, Sheerness: Off. Ass. Edmeades; Sol. Solomon, 21 Finsbury-place, London.—Pet. f. Nov. 19.

WILLIAM SPENCER, Silverstone, Northamptonshire, working lath render, Dec. 2 at 11, Towcester: Off. Ass. Sheppard.

ANTHONY BARNASCHINA, Gravesend, Kent, general dealer (a prisoner in Maidstone Gaol), Nov. 28 at 11, Gravesend: Off. Ass. Southgate.

GEORGE HEATLEY, Canton, Llandaff, Glamorganshire, painter, Dec. 9 at 11, Cardiff: Off. Ass. Langley; Sol. Wilcocks.—Pet. f. Nov. 20.

JOHN THOMAS EDGE, Totton, Eling, Hampshire, cattle dealer, Dec. 17 at 11, Southampton: Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Nov. 19.

THOMAS NIXON, Newcastle-upon-Tyne, out of business, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton.

ARCHIBALD HUNTER BROWN, Newcastle-upon-Tyne, butcher, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton.

DAVID JOHNSTON, North Shields, Northumberland, licensed victualler, Dec. 17 at 10, North Shields: Off. Ass. Ingledew.

ADAM YOUNG HARVEY, North Shields, Northumberland, builder, Dec. 17 at 10, North Shields: Off. Ass. Ingledew.

JOHN CHRISTOPHER BIBBING, North Shields, Northumberland, master mariner, Dec. 17 at 10, North Shields: Off. Ass. Ingledew; Sol. Adamson, North Shields.—Pet. f. Nov. 16.

JOHN BEAUMONT, Flixton, Suffolk, out of business, Dec. 10 at 12, Harleston: Off. Ass. Fox; Sol. Pollard, Ipswich.—Pet. f. Nov. 14.

WILLIAM BAILEY WYATT, Iffley, Oxfordshire, boat-builder, Dec. 3 at 10, Oxford: Off. Ass. Dudley; Sol. Williams, Oxford.—Pet. f. Nov. 2.

THOMAS LANCASTER, Oxford, tallyman draper, Dec. 3 at 10, Oxford: Off. Ass. Dudley; Sol. Williams, Oxford.—Pet. f. Nov. 2.

JOHN WOOD, Oxford, maltster, Dec. 3 at 10, Oxford: Off. Ass. Dudley; Sol. Williams, Oxford.

WILLIAM CANLER, Nedging, Suffolk, farmer, Dec. 2 at 11, Ipswich: Off. Ass. Pretymann; Sol. Fuller, Stowmarket.—Pet. f. Nov. 18.

WILLIAM TIMMIS, Norton-in-the-Moors, Staffordshire, cordwainer, Dec. 3 at 11, Hanley: Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Nov. 20.

JOHN NEALE, Nettlestead, Suffolk, farm bailiff, Dec. 2 at 2, Hadleigh: Off. Ass. Newman; Sol. Pollard, Ipswich.—Pet. f. Nov. 15.

THOMAS CREW, Ecclesfield, Yorkshire, rope manufacturer, Dec. 12 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Nov. 20.

BENJAMIN HAGUE, Sheffield, Yorkshire, anvil maker, Dec. 12 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Nov. 20.

ANDREW SMITH, Sheffield, joiner, Dec. 12 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Binney, Sheffield.—Pet. f. Nov. 20.

**PHILIP PEMBRIDGE**, Hay, Brecknockshire, tailor, Dec. 16 at 11, Hay: Off. Ass. James; Sol. Games, Hay.—Pet. f. Nov. 19.

#### MEETINGS.

**John Hartshorn**, Nottingham, manager of lace machines, Dec. 31 at half-past 11, Nottingham, last ex.—**W. Burrows** the younger, Upper Norwood, Surrey, furniture dealer, Dec. 19 at 11, London, last ex.—**Benjamin Levinshon**, Church-street, Spitalfields, Middlesex, wholesale clothier, Dec. 17 at 12, London, last ex.—**Edward Foley**, Clifton-crescent, Asylum-road, Old Kent-road, Surrey, builder, Dec. 17 at 1, London, last ex.—**T. Summers**, Goodman's-yard, Minorities, City, licensed victualler, Dec. 17 at half-past 12, London, last ex.—**Antonine Dufaur**, Bedford-row, Holborn, Middlesex, solicitor, Dec. 19 at 1, London, last ex.—**Charles H. Stocker**, Acton-green, Middlesex, out of business, Dec. 17 at 11, London, last ex.—**William Locks**, Hoxton Old-town, Middlesex, timber merchant, Dec. 17 at 11, London, last ex.—**W. J. Dickinson**, Friar-st., Blackfriars-road, Surrey, coffee-house keeper, Dec. 17 at half-past 11, London, last ex.—**Richard Hodson**, Marlborough-road, St. John's-wood, Middlesex, secretary to an insurance office, Dec. 19 at half-past 1, London, last ex.—**Louis Rault**, Great Warner-street, Clerkenwell; Leather-lane; and Holborn-hill, Middlesex, yeast contractor, Dec. 19 at 1, London, last ex.—**Wm. Simmonds**, Little Peter-street, Westminster, bricklayer, Dec. 18 at 2, London, last ex.—**George Green**, Hertford, upholsterer, Dec. 18 at half-past 11, London, last ex.—**Henry Albert Ball**, South Island-place, Brixton-road, Surrey, dairymen, Dec. 18 at 12, London, last ex.—**Samuel F. Hooper**, Bernard-st., Bloomsbury, Middlesex, commission agent, Dec. 18 at half-past 12, London, last ex.—**Michael Welsh**, Albert-terrace, Paddington, Middlesex, carman, Dec. 18 at 1, London, last ex.—**J. Lea**, Forest-gate, Essex, Dec. 9 at half-past 12, London, last ex.—**Edward Hopewell**, Coleman-st., City, mercantile agent, Dec. 28 at 11, London, last ex.—**William Mobbs**, Ponsobyl-place, Vauxhall-road, Westminster, carpenter, Dec. 18 at 2, London, last ex.—**James S. Menzies**, Kilburn, Middlesex, private tutor, Dec. 28 at 12, London, last ex.—**S. Shickell**, Blackman-street, Southwark, Surrey, licensed victualler, Jan. 9 at 1, London, last ex.—**Edward Davies**, Townshend-road, St. John's-wood, Middlesex, bootmaker, Jan. 3 at 1, London, last ex.—**Thomas S. G. Davidson**, Westbourne-grove, Paddington, and Lansdowne-road North, Kensington, Middlesex, bookseller, Dec. 28 at half-past 11, London, last ex.—**John A. Hutton**, Westbourne-grove-terrace, Westbourne-grove, Bayswater, Middlesex, clerk in her Majesty's War Office, Dec. 18 (and not Nov. 18, as previously advertised) at 1, London, last ex.—**John Ladd**, Turner's-road, Limehouse, Middlesex, builder, Jan. 9 at 11, London, last ex.—**Thomas Benham**, Aldershot, Southampton, baker, Jan. 9 at 12, London, last ex.—**James Holroyd**, Basinghall-street, City, warehouseman, Jan. 9 at 11, London, last ex.—**B. Behrens**, Southampton-st., Camberwell, Surrey, brush manufacturer, Dec. 27 at half-past 12, London, last ex.—**John H. Gibbons**, Chesham, Buckinghamshire, chemist, Dec. 28 at 11, London, last ex.—**George P. Skinner**, Peckham-rye and East Dulwich, Surrey, brickmaker, Jan. 2 at 11, London, last ex.—**Isaac Lewis**, Langton-place, Camberwell, Surrey, baker, Jan. 3 at half-past 1, London, last ex.—**G. Cox**, Barbican, City, optician, Dec. 2 at half-past 12, London, last ex.—**Chas. Moody**, Goswell-road, Clerkenwell, Middlesex, pork butcher, Dec. 27 at 12, London, last ex.—**James Lines**, Romford, Essex, out of business, Dec. 28 at 12, London, last ex.—**Henry Gosling**, New Compton-street, Soho, Middlesex, painter, Jan. 2 at 11, London, last ex.—**Abraham Monday** and **Wm. J. Nicholls**, Milk-street, City, trimming manufacturers, Jan. 2 at 1, London, last ex.—**Henry M. Feist**, Sutton, Surrey, newspaper reporter, Jan. 2 at half-past 11, London, last ex.—**John F. Goodered**, Piccadilly, Middlesex, eating-house keeper, Jan. 10 at 11, London, last ex.—**John D. Sayrell**, Blundell-street, Caledonian-road, Islington, Middlesex, draper, Jan. 3 at 11, London, last ex.—**Mark White**, Leather-lane, Holborn, Middlesex, licensed victualler, Jan. 2 at 2, London, last ex.—**David C. Dinmore**, Birmingham, dealer in patents, Dec. 19 at 11, Birmingham, last ex.—**Frederick Nanacawen**, Birmingham, painter, Dec. 19 at 11, Birmingham, last ex.—**Wm. Wilson**, Stamford, Lincolnshire, printer, Dec. 17 at half-past 11, Nottingham, last ex.—**Edward Howard**, Swansea, Glamorganshire, ship broker, Dec. 17 at 1, Bristol, last ex.—**James Davies**, Swansea, Glamorganshire, grocer, Dec.

17 at 1, Bristol, last ex.—**George H. Smith**, North Perrott, near Crewkerne, Somersetshire, twine manufacturer, Dec. 23 at 12, Exeter, last ex.—**Henry Johns**, Camborne, Cornwall, shoe dealer, Dec. 23 at 12, Exeter, last ex.—**Nicholas Lomas**, Hlorns, Exmouth, Devonshire, stationer, Dec. 31 at 12, Exeter, last ex.—**Samuel Outhwaite**, Middlesborough, Yorkshire, butcher, Dec. 6 (and not 16, as previously advertised) at 11, Leeds, last ex.—**William Wood**, Leeds, Yorkshire, butcher, Dec. 13 at 11, Leeds, last ex.—**Christopher Smith**, Huddersfield, Yorkshire, commission agent, Dec. 13 at 11, Leeds, last ex.—**John A. Long**, Wakefield, Yorkshire, schoolmaster, Dec. 13 at 11, Leeds, last ex.—**Stephen Nicholson**, Leeds, Yorkshire, solicitor, Dec. 13 at 11, Leeds, last ex.—**John Laycock** the younger, Leeds, Yorkshire, cloth fuller, Dec. 13 at 11, Leeds, last ex.—**Luke F. Bingham**, Bakewell, Derbyshire, auctioneer, Dec. 14 at 11, Sheffield, last ex.—**Henry Wootenholm**, Sheffield, Yorkshire, cutlery manufacturer, Dec. 14 at 11, Sheffield, last ex.—**John Holden**, Liverpool, attorney-at-law, Dec. 13 at 12, Liverpool, last ex.—**Charles Smith**, Liverpool, commission merchant, Dec. 20 at 12, Liverpool, last ex.—**John Hadfield**, Glossop, Derbyshire, leather dealer, Dec. 3 at 12, Manchester, last ex.—**Henry Scholesfield**, South Shields, Durham, and Newcastle-upon-Tyne, merchant, Dec. 18 at 12, Newcastle-upon-Tyne, last ex.—**Richard C. Stonehouse**, Darlington, Durham, corn factor and agent, Dec. 20 at 12, Newcastle-upon-Tyne, last ex.—**John Smith**, Longworth, Lancashire, farmer, Dec. 6 at 1, Little Bolton, last ex.—**James Allen**, Liverpool, detective officer, Dec. 18 at half-past 10, Liverpool, last ex.—**Robert Kelly**, Bootle, near Liverpool, solicitor for orders in a saw mill, Dec. 18 at half-past 10, Liverpool, last ex.—**Thomas Smith**, Spennymoor, Durham, joiner, Dec. 13 at 10, Bishop Auckland, last ex.—**John Nicholson**, Chester-le-Street, Durham, publican, Dec. 16 at 12, Durham, last ex.—**Sutton Ravolinson**, Caistor, Lincolnshire, licensed victualler, Dec. 11 at half-past 11, Caistor, last ex.—**Thomas Mitchell**, Scolding-ton, Lincolnshire, farmer, Dec. 10 at 11, Sleaford, last ex.—**Richard Swallows**, Lincoln, beerhouse keeper, Dec. 3 at 12, Lincoln, last ex.—**William Appleyard**, Sheffield, Yorkshire, fishmonger, Jan. 2 at 12, Sheffield, last ex.—**George King**, Sheffield, Yorkshire, beerhouse keeper, Jan. 2 at 12, Sheffield, last ex.—**John Sharpe**, Sheffield, Yorkshire, tool fitter, Jan. 2 at 12, Sheffield, last ex.—**Daniel Gamon**, Colney-hatch Station, coal merchant, and Hornsey, Middlesex, builder, Dec. 2 at 11, London, ch. ass.—**William Henley**, Gloucester, printer, Dec. 3 at 11, Bristol, ch. ass.—**Philip Turner Miller**, Aylesbury, Buckinghamshire, linendraper, Dec. 13 at 2, London, last ex.—**Thomas Edge**, Great Peter-street and Vincent-square, Westminster, gas-meter manufacturer, Dec. 3 at 1, London, last ex.—**Harpley John Mayes**, Stoke Ferry, Norfolk, cattle dealer, Dec. 5 at 11, London, and ac.—**Emil Hartman**, Martin's-lane, Cannon-street, and Little Love-lane, Wood-street, City, and Bedford-terrace, Upper Holloway, Middlesex, general merchant, Dec. 3 at 1, London, and ac.—**William Green**, Bear-lane, Blackfriars-road, Surrey, carman, Dec. 2 at 11, London, and ac.—Dec. 30 at 12, div.—**George Scott**, Alpha Works, Cubitt-town, Isle of Dogs, engineer, Dec. 6 at 11, London, and ac.—**Wm. Whitende** and **George Simmons**, Great Queen-street, Middlesex, gas engineers, Dec. 2 at 11, London, and ac.—**James Nutt**, Leadenhall-street, City, Dec. 2 at 11, London, and ac.—**Sidney Frankan**, Bishopsgate-street Within, City, and Bridge-street, Westminster, Middlesex, importer of meerschaum pipes, Dec. 2 at 11, London, and ac.; Dec. 30 at 12, div.—**George Isadore Maillat**, Westbourne-grove, Bayswater, Middlesex, corn dealer, Dec. 2 at 11, London, and ac.—**James Morgan**, Upper Marylebone-street, Portland-place, Middlesex, printer, Dec. 2 at 11, London, and ac.; Dec. 23 at 12, div.—**Stephen Bacon**, Northampton-place, Old Kent-road, Surrey, corn merchant, Dec. 2 at 11, London, and ac.—**Henry Churchill**, Washington, Sussex, builder, Dec. 6 at 11, London, and ac.—**James Cooper**, Wootton-bridge, Isle of Wight, miller, Dec. 2 at 11, London, and ac.; Dec. 30 at 12, div.—**Wm. Edward Neene**, Marriott, Swaffham, Norfolk, tailor, Dec. 6 at 11, London, and ac.; Dec. 23 at 12, div.—**Jesse Fridlington**, Southorpe-mill, Northamptonshire, miller, Dec. 2 at 11, London, and ac.—**Gustavus Frederick Rauch**, Huggin-lane, Wood-street, City, warehouseman, Dec. 6 at 11, London, and ac.—**Thomas Goldsmith**, Norwich, baker, Dec. 6 at 11, London, and ac.—**Mary Ann Belford**, Fremantle, Southampton, innkeeper, Dec. 4 at 11, London, and ac.—**F. Weatherley**, Old Chapel-row,

**Kentish-town, Middlesex, draper, Dec. 4 at 11, London, and. ac.—William Droom, Somersham and Brith, Huntingdonshire, apothecary, Dec. 4 at 11, London, and. ac.—Charles Waters Dunke, Chapter-house-court, City, and Dover-road, Southwark, printer, Dec. 2 at 11, London, and. ac.—William Henry Culverhouse, Bunhill-row, Finsbury, Middlesex, manufacturing joiner, Dec. 4 at 11, London, and. ac.—John James Ridge, Forest-hill, Kent, chemist, Dec. 4 at 11, London, and. ac.—Henry Corke, Tunbridge Wells, Kent, tailor, Dec. 2 at 11, London, and. ac.; Dec. 23 at 12, div.—John Culverwell, Washford-mills and Williston-mills, Somersetshire, miller, Dec. 16 at 12, Exeter, and. ac.; Dec. 18 at 12, div.—Walter Parry, Broom, carpenter, Dec. 5 at 11, Bristol, and. ac.—Sarah Bannister, Leominster, Herefordshire, wool dealer, Dec. 12 at 11, Birmingham, and. ac.—George Glazebrook, Birmingham, plumber, Dec. 12 at 11, Birmingham, and. ac.—John Douglas, Wolverhampton, Staffordshire, draper, Dec. 12 at 11, Birmingham, and. ac.—James Pearce, Kidderminster, Worcestershire, chemist, Dec. 14 at 11, Birmingham, and. ac.—William Terry, Birmingham, plaster, Dec. 14 at 11, Birmingham, and. ac.—Thomas Palmer, Wellesbourne, Warwickshire, maltster, Dec. 14 at 11, Birmingham, and. ac.—Daniel Mundy, Westbourne-grove, Bayswater, Middlesex, confectioner, Dec. 13 at 2, London, div.—Abner Woodhall, Barn's Cray, Kent, felt manufacturer, Dec. 14 at 1, London, div.—John Cobb, Great Yarmouth, Norfolk, carrier, Dec. 13 at 1, London, div.—Richard Castle, Wantage, Berkshire, cattle dealer, Dec. 16 at 12, London, div.—Hugh Bowden, Norwich, chemist, Dec. 16 at 11, London, div.—Frederick Carson, St. Helen's-place, Bishopsgate-street, City, merchant, Dec. 13 at 11, London, div.—Francis Ingham, High Holborn, Middlesex, grocer, Dec. 16 at 12, London, div.—Richard Lockington Cole, Lime-street, City, merchant, Dec. 13 at 11, London, div.—James Cook and Henry Bickerton Greenwood, Mark-lane, City, wine merchants, Dec. 13 at 11, London, div. sep. est. of James Cook.—Charles Miles, Frome Selwood, Somersetshire, innkeeper, Dec. 5 at 11, Bristol, div.—Thomas Bell and John Wiseman, Sunderland, Durham, grocers, Dec. 17 at 12, Newcastle-upon-Tyne, div.—John Rhodes, Birkenhead, Cheshire, dealer in coal, Dec. 13 at 11, Liverpool, div.—Joseph Croshaw Harris, Liverpool, licensed victualler, Dec. 13 at 11, Liverpool, div.**

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

Jesse Fridlington, Southerpe-mill, Northamptonshire, miller, Dec. 16 at 1, London.—Henry Corke, Tunbridge Wells, Kent, tailor, Dec. 13 at half-past 12, London.—Daniel Terry (not Jerry, as previously advertised), Dover, Kent, engineer, Dec. 14 at 12, London.—John Hills, Faversham, Kent, baker, Dec. 14 at 12, London.—William Waters, Sunderland, Durham, ironmonger, Dec. 17 at half-past 12, Newcastle-upon-Tyne.—Wm. Olive Hulbert, Gloucester, tailor, Dec. 31 at 11, Bristol.—Thomas Ferris, Ashborton, Devonshire, tailor, Dec. 18 at 1, Exeter.—John Douglas, Wolverhampton, Staffordshire, draper, Dec. 12 at 11, Birmingham.—John Smith, Bradford, Yorkshire, stuff manufacturer, Dec. 13 at 11, Leeds.

*To be granted, unless an Appeal be duly entered.*

Richard Harris, Church-terrace, Kentish-town, Middlesex, builder.—Daniel Mundy, Westbourne-grove, Bayswater, Middlesex, confectioner.—Henry Sleep, Abbey-wood, Kent, beer-shop keeper.—George Ames, Sible Hedingham, Essex, cattle salesman.—Thomas Bannister, Hereford, builder.—George Glazebrook, Birmingham, plumber.—Sarah Bannister, Leominster, Herefordshire, wool dealer.—Ebenezer Charles Broome, Birmingham, music seller.—George Henry Hopkins, Belper, Derbyshire, auctioneer.—Samuel Langdale, Nottingham, trimmer of hosiery.—George Wm. Cave, Nottingham, bleacher.—James Stevens, Derby, jeweller.—James Caudwell, Southwell, Nottinghamshire, coal merchant.—Henry Astill, Loughborough, Leicestershire, ale merchant.—George Turner, New Radford, Nottinghamshire, brewer.—James Pearce, Kidderminster, Worcestershire, chemist.—John Jessop, Preston Brookhurst, Shropshire, innkeeper.—Charles Gibbs, Droitwich, Worcestershire, baker.—William Faulkner, Kidderminster, Worcestershire, victualler.—Benjamin Gadsby, Birmingham, brush maker.—Job Legge, Willenhall, Staffordshire, cooper.

#### PARRAMORPH DISCOVERED.

Nathaniel Brown: Engleheart and Edward Curtis Engleheart, Great Knight Rider-street, Doctors'-commons, London, proctors.

#### SCOTUS SEQUESTRATIONS.

Alexander Erskine, Glasgow, victualler.—John Campbell & Kirkwood, Glasgow, fishers.—John Mackintosh, Tighmullan of Aberarder, farmer.—Alexander Ronald, Gartles Forge, near Airdrie, Lanarkshire, spade manufacturer.

TUESDAY, Nov. 26.

#### BANKRUPTS.

JOHN MOORE, Ely, Cambridgeshire, innkeeper, Dec. 10 at 2, London: Off. Ass. Bell; Sol. Richardson, Old Jewry-chambers.—Pet. f. Nov. 23.

ISAAC GADSBY, Camden-town, Middlesex, licensed victualler, Dec. 13 at 12, London: Off. Ass. Bell; Sol. Young & Co., St. Mildred's-court.—Pet. f. Nov. 23.

CHARLES HIGHFIELD, Luard-street, Caledonian-road, Middlesex, cab proprietor, Dec. 13 at 12, London: Off. Ass. Bell.

JAMES CRICK, Soham, Cambridgeshire, innkeeper, Dec. 10 at 1, London: Off. Ass. Bell; Sols. Hustwick, Soham; Hawkins & Co., New Boswell-court, London.—Pet. f. Nov. 23.

JAMES WILBY, Union-crescent, New Kent-road, Surrey, law bookseller (a prisoner in the Debtors Prison, London), Dec. 10 at 1, London: Off. Ass. Bell.

ROBERT WILLIAM WILCOX, Caledonian-road, Middlesex, optician, Dec. 7 at 11, London: Off. Ass. Bell.

GEORGE LINGHAM, Bowling-green-street, Kennington, Surrey, in no trade (a prisoner in the Debtors Prison, London), Dec. 16 at 11, London: Off. Ass. Bell; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Nov. 26.

JOHN CROWTHER, High-st., Hoxton, Middlesex, grocer, Dec. 13 at 2, London: Off. Ass. Johnson; Sol. Board, 10, Basinghall-street.—Pet. f. Nov. 23.

WILLIAM SAMUEL SPINKS, St. John's-road, Hoxton, Middlesex, carpenter, Dec. 10 at half-past 1, London: Off. Ass. Johnson; Sol. Nash, 12, Haberdasher-place, East Hoxton.—Pet. f. Nov. 22.

BENJAMIN BURFORD, Great York-mews, Baker-street, Middlesex, heavy-stable keeper, Dec. 7 at half-past 1, London: Off. Ass. Johnson; Sol. Eldred, 8, Great James-street, Bedford-row.—Pet. f. Nov. 21.

CORNELIUS REDGRAVE, Brydges-street, Covent-garden, Middlesex, bagatelle board maker, Dec. 13 at 12, London: Off. Ass. Johnson.—Pet. f. Nov. 20.

DUNBAR JOHN COTHER, Sloane-street, Chelsea, out of business, Dec. 13 at 11, London: Off. Ass. Johnson.

JANE FOXALL, Ealing, Middlesex, tavern keeper, Dec. 13 at 11, London: Off. Ass. Johnson; Sol. Aldridge, 46, Moor-gate-street.

WILLIAM HILL, Stames-street, Commercial-road East, Stepney, Middlesex, provision dealer (a prisoner in Whitecross-street Prison), Dec. 6 at half-past 10, London: Off. Ass. Pennell.—Pet. f. Nov. 22.

ALEXANDER DALRYMPLE REIL, Sewardstone, near Waltham, Essex, gentleman, Dec. 7 at 10, London: Off. Ass. Pennell; Sol. Anderson, 17, Great James-street, Bedford-row.—Pet. f. Nov. 22.

ALEXANDER RAE, Took's-court, Chancery-lane, Middlesex, lithographer, Dec. 11 at half-past 10, London: Off. Ass. Pennell; Sol. Howell, 15, Bow-lane.—Pet. f. Nov. 20.

GEORGE BUCKLEY, Northumberland-place, Paddington, Middlesex, plumber, Dec. 11 at 10, London: Off. Ass. Pennell; Sol. Davis, 10, Golden-square, Regent-street.—Pet. f. Nov. 8.

JOHN SQUIRE, Harkstead, near Ipswich, Suffolk, farmer, Dec. 6 at 10, London: Off. Ass. Pennell; Sols. Dupres & Austin, 23, Lawence-lane, Chancery-lane.—Pet. f. Nov. 22.

JAMES NIEMANN CHAMPION, Aberystwith-terrace, Islington, Middlesex, house decorator, Dec. 7 at 10, London: Off. Ass. Pennell; Sol. Farrar, 10, Great Carter-lane, City.—Pet. f. Nov. 23.

EDWARD CARNELL, Tunbridge Wells, Kent, attorney-at-law, Dec. 9 at 10, London: Off. Ass. Pennell; Sol. Morgan, Maidstone, Kent; Doyle, 2, Vennell-buildings, Gwy's-lane.—Pet. f. Nov. 19.

- CHARLES HENRY WHITE**, (trading as **CHARLES WHITE**), Crawford-street, Marylebone, Middlesex, glass dealer, Dec. 9 at 10, London: Off. Ass. Pennell; Sol. Pittman, 94, Upper Stamford-street, Lambeth, Surrey.—Pet. f. Nov. 30.
- FELIX O'HANLON**, Alfred-street, Montpelier-sq., Brompton, Middlesex, licensed hawker, Dec. 7 at 10, London: Off. Ass. Pennell; Sol. Todd, 75, Newgate-street.—Pet. f. Nov. 30.
- WILLIAM MAUNFALL**, Melton, Suffolk, corn chandler, Dec. 6 at half-past 10, London: Off. Ass. Pennell; Sols. Welton, Woodbridge, Suffolk; Chidley, 25, Old Jewry.—Pet. f. Nov. 31.
- STEPHEN CLEMENTS**, Bonford, Essex, dealer in pigs, Dec. 9 at 10, London: Off. Ass. Pennell; Sol. Lewis, jun., 9, Carey-street, Lincoln's-inn-fields.—Pet. f. Nov. 23.
- THOMAS BOULTER**, Cromer, Norfolk, in no business, Dec. 9 at 10, London: Off. Ass. Pennell; Sols. Goldsmith, Norwich; Doyle, 2, Vereham-buildings, Gray's-inn.—Pet. f. Nov. 30.
- BENJAMIN LAKE**, Hengrove Aston Clinton, Buckinghamshire (a prisoner in the County Gaol, Aylesbury), Dec. 11 at 10, London: Off. Ass. Pennell.
- GEORGE SAMUEL FRANKHAM**, Mend-ew, Westminster-road, Lambeth, Surrey, builder (a prisoner in the Queen's Prison), Dec. 11 at 10, London: Off. Ass. Pennell.
- EDWARD FORSYTHE** the younger, Great Ormond-yard, Queen-square, Middlesex (a prisoner in the Debtors Prison for London and Middlesex), Dec. 7 at 10, London: Off. Ass. Pennell.
- JAMES O'NEILL GALLAGHER**, Maddox-street, Regent-street, Middlesex (a prisoner in the Debtors Prison for London and Middlesex), Dec. 11 at half-past 10, London: Off. Ass. Pennell.
- THOMAS COCKS GALE** (otherwise **THOMAS COCKS**), Harrogate, Yorkshire, in no business (a prisoner in the Castle Gaol at York), Dec. 11 at 10, London: Off. Ass. Pennell.
- GEORGE LESTER**, Dock-street, Deptford, Kent, furniture dealer (a prisoner in Maidstone Gaol), Dec. 11 at 10, London: Off. Ass. Pennell.
- JOHN READ**, Cumberlan-row, Islington-green, Middlesex, china dealer, Dec. 12 at 2, London: Off. Ass. Graham; Sol. Marshall, 12, Hatton-garden, Middlesex.—Pet. f. Nov. 21.
- STEPHEN HAWES CROSWELL**, St. James's-street, Piccadilly, Middlesex, wine merchant, Dec. 10 at 2, London: Off. Ass. Graham; Sols. Hughes & Co., 1, St. Swithin's-lane.—Pet. f. Nov. 22.
- JOHN ROLFE**, Gerrard-street, Soho, Middlesex, licensed victualler, Dec. 17 at half-past 1, London: Off. Ass. Graham; Sols. Talbot & Tasker, 47, Bedford-row, London.—Pet. f. Nov. 25.
- WILLIAM HENRY SMITH**, Commercial-road East, Middlesex (a prisoner in Whitecross-street Prison), Dec. 17 at half-past 12, London: Off. Ass. Graham.
- CHARLES RISTONE**, Winchester, Hampshire, draper, Dec. 18 at half-past 2, London: Off. Ass. Graham.
- RICHARD EMBERLIN**, Windsor-terrace, City-road, Middlesex, commercial traveller, Dec. 17 at half-past 11, London: Off. Ass. Graham.
- PHILLIPP ECKHANS**, Graham-street, and New-street, Bishopsgate, City, importer of jewellery, Dec. 17 at 1, London: Off. Ass. Stansfeld; Sol. Sydney, 46, Finsbury-circus, London.—Pet. f. Nov. 16.
- THOMAS PROVIS WICKHAM**, Upper Montagu-street, Montagu-square, Middlesex, gentleman, Dec. 12 at 3, London: Off. Ass. Stansfeld; Sols. Harrison & Lewis, 6, Old Jewry, London.—Pet. f. Nov. 22.
- RICHARD ARCHEBALD FARQUHARSON**, Reigate, Surrey, not in any profession, Dec. 10 at half-past 1, London: Off. Ass. Stansfeld; Sols. Lewis & Sons, Wilmington-square, Middlesex.—Pet. f. Nov. 22.
- JOHN WRIGHT**, Enfield-road North, Kingsland, Middlesex, rent collector, Dec. 22 at half-past 1, London: Off. Ass. Stansfeld.
- JOHN LONGWORTH CLARKE**, Moorgate-street, City, and Eastbourne-terrace, Hyde-park, Middlesex, attorney-at-law, Dec. 21 at 12, London: Off. Ass. Edwards; Sol. Daniel, Chancery-chambers, Quality-court, London.—Pet. f. Nov. 23.
- GEORGE JUSTEN**, Basinggate, Kent, grocer, Dec. 17 at 12, London: Off. Ass. Stansfeld; Sol. Weymouth, 13, Oldard-street, London.—Pet. f. Nov. 22.
- JOHN MORGAN**, West-street, Commercial-road, Rimbou, Middlesex, joiner, Dec. 17 at 11, London: Off. Ass. Stansfeld; Sols. Lewis & Lewis, 30, Ely-place, London.—Pet. f. Nov. 23.
- WILLIAM PAINE**, Ebbsey, near Godstone, Surrey, farmer, Dec. 17 at 2, London: Off. Ass. Stansfeld; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Nov. 25.
- CORNELIUS CARTER**, Grosvenor-street, Bond-street, Middlesex, dentist, Dec. 21 at 11, London: Off. Ass. Edwards; Sols. Pawle & Levesy, 7, New-dun, Strand, London.—Pet. f. Nov. 22.
- FREDERICK BLANKIN**, Manchester (a prisoner in Lancaster Gaol), Dec. 21 at 12, London: Off. Ass. Edwards.
- GEORGE THOMAS BROADBELL CLAYDON**, Albert-street, Mornington-crescent, Middlesex, ship owner, Dec. 21 at 11, London: Off. Ass. Edwards; Sols. Sols & Co., 68, Aldermanbury, London.—Pet. f. Nov. 22.
- JOHN SMITH**, St. Paul's-road, Waiworth, Surrey, out of business (a prisoner in the Debtors Prison for London and Middlesex), Dec. 21 at 11, London: Off. Ass. Edwards.
- ROBERT ELLIOTT LAMPLUGH**, Capland-street, Lissen-grove, Middlesex, solicitor (a prisoner in the Debtors Prison for London and Middlesex), Dec. 21 at 2, London: Off. Ass. Edwards.—Pet. f. Nov. 21.
- JAMES BASTER**, Primrose-street, Bishopsgate-street Without, Middlesex, builder (a prisoner in Whitecross-street Prison), Dec. 21 at 12, London: Off. Ass. Edwards.—Pet. f. Nov. 22.
- HENRY ATKINS**, Harrow-road, Paddington, Middlesex, carpenter, Dec. 21 at 11, London: Off. Ass. Edwards; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Nov. 22.
- STEPHEN VINCENT FOLCH**, Cannon-row, Westminster, Middlesex (a prisoner in Whitecross-street Prison), Dec. 21 at 11, London: Off. Ass. Edwards.
- THOMAS FOX**, Great Yarmouth, Norfolk, builder, Dec. 21 at 12, London: Off. Ass. Edwards; Sols. Reynolds & Palmer, Great Yarmouth; Lawrence & Co., 14, Old Jewry-chambers, London.—Pet. f. Nov. 25.
- ANDREW ROBERTSON MUSTARD**, White Conduit-terrace, Park-road, Islington, Middlesex, baker, Dec. 21 at 1, London: Off. Ass. Edwards; Sol. Smith, 15, Wilmington-square, London.—Pet. f. Nov. 25.
- WILLIAM WHITE**, St. Matthew's-place, Hackney-road, Middlesex, haberdasher, Dec. 21 at 2, London: Off. Ass. Edwards; Sol. Lewis, 7, Trafalgar-place East, Hackney-road, Middlesex.—Pet. f. Nov. 26.
- GEORGE SPARROW**, Compton-street, Brunswick-square, Middlesex, eating-house keeper, Dec. 21 at 3, London: Off. Ass. Edwards; Sol. King, 54, Great Cornam-street, London.—Pet. f. Nov. 26.
- GEORGE WITHEY**, Barslem and Wolstanton, Staffordshire, flint grinder, Dec. 10 at 11, Birmingham: Off. Ass. Kinnear; Sols. Walker, Barslem; James & Knight, Birmingham.—Pet. f. Nov. 22.
- JAMES SALE** the younger, Chasterton, Wolstanton, Staffordshire, joiner, Dec. 10 at 12, Birmingham: Off. Ass. Kinnear; Sols. Slaney & Winstanley, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. f. Nov. 22.
- JAMES POOLE**, Birmingham, brass founder, Dec. 12 at 11, Birmingham: Off. Ass. Whitmore; Sols. East & Parry, Birmingham.—Pet. f. Nov. 22.
- RICHARD BULL**, Evesham, Worcestershire, bookseller, Dec. 12 at 11, Birmingham: Off. Ass. Whitmore; Sols. Eades, Evesham; James & Knight, Birmingham.—Pet. f. Nov. 22.
- WILLIAM SMYTH**, Hereford, out of business, Dec. 12 at 12, Birmingham: Off. Ass. Whitmore; Sols. R. & H. Wright, Birmingham.—Pet. f. Nov. 23.
- DANIEL ALDER** and **JOHN ALDER** the younger, Cheltenham, Gloucestershire, stationers (trading under the firm of Daniel Alder & Son), Dec. 10 at 1, Bristol: Off. Ass. Acraman; Sols. Bown & Co., Bristol.—Pet. f. Nov. 22 and 23.
- EVAN JONES**, Aberystwith, Cardiganshire, wine merchant, Dec. 10 at 12, Bristol: Off. Ass. Miller; Sols. Britton & Sons, Bristol.—Pet. f. Nov. 21.

- ROBERT BOISTON, Redcar, Yorkshire, innkeeper, Dec. 9 at 11, Leeds: Off. Ass. Carrick.
- GEORGE MARRIOTT, Darley Dale, Derbyshire, coal merchant, Dec. 7 at 11, Sheffield: Off. Ass. Young.
- JOHN FREDERICK FRY, Sheffield, pork butcher, Dec. 7 at 11, Sheffield: Off. Ass. Young; Sol. Mason, York and Sheffield.—Pet. f. Nov. 22.
- WILLIAM ANDREW, Lincoln, boarding-house keeper, Dec. 11 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Brown & Son, Lincoln.—Pet. f. Nov. 25.
- ISAAC BENTLEY, Dalton, near Huddersfield, Yorkshire, grocer (carrying on business with John Fawcett, under the firm of Fawcett & Bentley), Dec. 9 at 11, Leeds: Off. Ass. Carrick; Sols. Floyd & Learoyd, Huddersfield; Bond & Barwick, Leeds.—Pet. f. Nov. 25.
- EDWARD BLUCK, Tranmere, Cheshire, attorney-at-law, Dec. 9 at 12, Liverpool: Off. Ass. Morgan; Sol. Godfrey, Liverpool.—Pet. f. Nov. 23.
- JOHN GRIFFITHS, Liverpool, builder, Dec. 7 at half-past 11, Liverpool: Off. Ass. Turner.—Pet. f. Nov. 21.
- JOHN WALKER, Ashton-under-Lyne, Lancashire, grocer, and Dukefield, Cheshire, innkeeper, Dec. 7 at 11, Manchester: Off. Ass. Hernaman; Sols. Boote, Manchester; Lord, Ashton-under-Lyne.—Pet. f. Nov. 23.
- JOHN KRAUSS and ALEXANDER SHAW, Manchester, calico printers, Dec. 13 at 11, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. Nov. 23.
- BENJAMIN WEBSTER, Hurworth-upon-Tees, Durham, grocer, Dec. 9 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Story, Newcastle-upon-Tyne.—Pet. f. Nov. 23.
- WILLIAM STEWART, Darlington, Durham, pipe manufacturer, Dec. 6 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Pet. f. Nov. 21.
- GEORGE PINCKNEY, Pithill, Durham, publican, Dec. 6 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.
- EDWARD ORD, Crook, Durham, draper, Dec. 6 at half-past 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.
- THOMAS ORD, Sunderland, Durham, veterinary surgeon, Dec. 6 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.
- MARY OATES, Liverpool (now a prisoner in Lancaster Gaol), Dec. 9 at 2, Liverpool: Off. Ass. Hime.
- FRANCIS HOLMES, Liverpool, bookkeeper, Dec. 10 at 2, Liverpool: Off. Ass. Hime; Sol. Conway, Liverpool.—Pet. f. Nov. 23.
- JOSEPH REDFEARN, Birmingham, warehouseman, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Corles, Birmingham.—Pet. f. Nov. 23.
- HENRY PIALT, Birmingham, cooper, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Webb, Birmingham.—Pet. f. Nov. 21.
- THOMAS HOLLOWAY, Birmingham, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Fuller, Birmingham.—Pet. f. Nov. 22.
- WILLIAM PALSER, Birmingham, braccemaker, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Nov. 20.
- WILLIAM ALFRED ROBERTSON, Birmingham, wholesale dealer in porter, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Fluck, Birmingham.—Pet. f. Nov. 23.
- THOMAS SCATTERGOOD the younger, Fillongley, Warwickshire, labourer, Dec. 23 at 1, Coventry: Off. Ass. Troughton; Sol. Smallbone, Coventry.—Pet. f. Nov. 20.
- JOSEPH BIRCH, Shelton, Warwickshire, grocer, Dec. 23 at 2, Coventry: Off. Ass. Troughton; Sol. Smallbone, Coventry.—Pet. f. Nov. 20.
- GEORGE COTTON, Coventry, Warwickshire, builder, Dec. 23 at 2, Coventry: Off. Ass. Troughton; Sol. Smallbone, Coventry.—Pet. f. Nov. 20.
- TOM RIDING, Leeds, paperhanger, Dec. 7 at 11, Wakefield: Off. Ass. Mason; Sols. G. A. & W. Elmsley, Leeds.—Pet. f. Nov. 21.
- HENRY MARLOW, Walsall, Staffordshire, journeyman collar maker, Dec. 4 at 10, Walsall: Off. Ass. Clarke; Sol. Moore, Walsall.—Pet. f. Nov. 20.
- JAMES LAWTON, Morley, Yorkshire, cloth maker, Dec. 13 at 11, Dewsbury: Off. Ass. Nelson; Sol. Harle, Leeds.
- LUKE WEST, Warwick, cattle dealer (a prisoner in Warwick Gaol), Dec. 9 at 10, Warwick: Off. Ass. Tibbitts.—Pet. f. Nov. 15.
- WILLIAM DAVISON, Wigton, Cumberland, tanner, Dec. 6 at 11, Wigton: Off. Ass. Were; Sol. Lawson, Wigton.—Pet. f. Nov. 13.
- TITUS BRIGGS, Morley, Yorkshire, cloth manufacturer, Dec. 13 at 11, Dewsbury: Off. Ass. Nelson; Sol. Harle, Leeds.
- THOMAS TERRY, Mirfield, Yorkshire, out of business, Dec. 13 at 11, Dewsbury: Off. Ass. Nelson; Sol. Walker, Dewsbury.—Pet. f. Nov. 20.
- WILLIAM SHONS, Oldham, Lancashire, wireworker, Dec. 12 at 12, Oldham: Off. Ass. Summerscales; Sol. Ascroft, Oldham.—Pet. f. Nov. 18.
- CHARLES CROPP, Portsea, Hampshire, tailor, Dec. 9 at 11, Portsmouth: Off. Ass. Howard; Sol. Cousins, Portsea.—Pet. f. Nov. 21.
- EDMUND WILKINSON, Shifnal, Shropshire, innkeeper, Dec. 5 at 10, Madeley: Off. Ass. Potts; Sol. Bidlake, Wellington, Shropshire.—Pet. f. Nov. 19.
- JOHN ANDREW VYSE, Hanley, Stoke-upon-Trent, Staffordshire, coal dealer, Dec. 7 at 10, Hanley: Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Nov. 23.
- WILLIAM JAMES PERCIVAL, Althorne, Essex, oyster dredger, Dec. 7 at 11, Maldon: Off. Ass. Codd.
- JOHN HENRY JONES, Swansea, Glamorganshire, shopkeeper, Dec. 12 at 12, Swansea: Off. Ass. Morris; Sol. Morris, Swansea.—Pet. f. Nov. 21.
- HUMPHREY PODD, Ipswich, Suffolk, bricklayer, Dec. 9 at 11, Ipswich: Off. Ass. Pretzman; Sol. Pollard, Ipswich.—Pet. f. Nov. 23.
- JOHN BACON, York, tea dealer, Dec. 5 at 11, York: Off. Ass. Perkins; Sol. Mason, York.—Pet. f. Nov. 21.
- JAMES RUDD, Sheffield, Yorkshire, out of business, Dec. 12 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Binney, Sheffield.—Pet. f. Nov. 22.
- THOMAS JOHN CRESWICK, Sheffield, Yorkshire, electroplate manufacturer, Dec. 12 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Binney, Sheffield.—Pet. f. Nov. 23.
- STEPHEN PLEWS, Levenshulme, Lancashire, warehouseman, Dec. 16 at 12, Manchester: Off. Ass. Kay; Sols. J. & W. Hewitt, Manchester.—Pet. f. Nov. 8.
- WILLIAM HUTCHINSON, Manchester, joiner, Dec. 16 at 12, Manchester: Off. Ass. Kay; Sol. Eltoft, Manchester.—Pet. f. Nov. 19.
- EDMUND WATKINS, Manchester, tripe dresser, Dec. 16 at 12, Manchester: Off. Ass. Kay; Sol. Dickenson, Manchester.—Pet. f. Nov. 20.
- JOHN REEVES, Foston, Derbyshire, out of business, Dec. 9 at 2, Burton: Off. Ass. Hubbersty; Sols. Southall & Nelson, Birmingham.—Pet. f. Nov. 14.
- JOHN LLOYD, West Bromwich, Staffordshire, out of business, Dec. 6 at 2, Oldbury: Off. Ass. J. H. & G. S. Watson; Sol. Corles, Birmingham.—Pet. f. Nov. 21.
- ROBERT SHAW, Stanton, near Bakewell, Derbyshire, higgler, Dec. 10 at 12, Bakewell: Off. Ass. Hubbersty.—Pet. f. Nov. 22.
- CUTHBERT NICKSON, Blackpool, Lancashire, livery stable keeper, Dec. 11 at 2, Poulton: Off. Ass. Patteson; Sol. Plant, Preston.—Pet. f. Nov. 20.
- THOMAS MIRFIN the younger, Barnsley, Yorkshire, cabinet maker, Dec. 9 at 10, Barnsley: Off. Ass. Shepherd; Sols. Newman & Sons, Barnsley.—Pet. f. Nov. 20.
- JOHN BLETCHER, Hulme, Manchester, commission agent, Dec. 7 at half-past 10, Salford: Off. Ass. Hulton; Sol. Hodgson, Manchester.—Pet. f. Nov. 21.
- SAMUEL TILLOTSON, Halifax, Yorkshire, police constable, Dec. 6 at 11, Todmorden: Off. Ass. Eastwood; Sol. Blomley.—Pet. f. Nov. 21.
- GEORGE REDFEARN, Leeds, Yorkshire, butcher, Dec. 13 at 12, Leeds: Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Nov. 22.
- BENJAMIN SWALLOW, Halifax, Yorkshire, painter, Dec. 13 at 10, Halifax: Off. Ass. Dyson & Rankin; Sol. Ingram & Baines, Halifax.—Pet. f. Nov. 22.
- DAVID BOLLAND, Bowling, Yorkshire, shoemaker, Dec. 10 at 11, Bradford: Off. Ass. Robinson.—Pet. f. Nov. 14.
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**THOMAS WILDAULD POTTER**, Smalley and Mapperley, Derbyshire, butcher, Dec. 12 at 11, Belper: Off. Ass. Ingle; Sol. Shaw, Derby.—Pet. f. Nov. 21.

**JOHN ROBSON**, Newcastle-upon-Tyne, licensed victualler, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton; Sol. Seale, Newcastle-upon-Tyne.—Pet. f. Nov. 20.

**WILLIAM CLARK**, Ross, Herefordshire, cheese dealer, Dec. 6 at 12, Ross: Off. Ass. Cellina.

**RICHARD GODDELL**, Whippingham, Isle of Wight, Hampshire (a prisoner in the Hants County Prison at Winchester), Dec. 7 at 11, Newport: Off. Ass. Blake.

**ANN CAVE**, Carlebrooke, Isle of Wight, Hampshire, baker, Dec. 7 at 11, Newport: Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. Nov. 20.

**JOHN WHISKER**, Great Driffield, Yorkshire, shoemaker, Dec. 9 at 11, Great Driffield: Off. Ass. Conyers; Sol. Allen, Great Driffield.—Pet. f. Nov. 20.

**WILLIAM HENRY KNOCK**, Eton, Buckinghamshire, fruiterer, Dec. 5 at 11, Windsor: Off. Ass. Darvill; Sols. Bevan & Co., 4, Quality-court, Chancery-lane, London.—Pet. f. Nov. 21.

**GEORGE CONSTABLE**, Boughton-under-the-Blean, Kent, shoemaker, Dec. 10 at 11, Faversham: Off. Ass. Tassell; Sol. Johnson, Faversham.—Pet. f. Nov. 21.

**JOHN STAMMERES**, Bedford, Suffolk, dealer, Dec. 9 at 11, Framlingham: Off. Ass. Clubbe; Sol. Moseley, Framlingham.—Pet. f. Nov. 21.

**JOHN SADLER**, Fishergate, near Shoreham, Sussex, master mariner, Dec. 6 at 4, Brighton: Off. Ass. Evershed; Sol. Lay, 44, Poultry, London.—Pet. f. Nov. 22.

**SAMUEL MOORE**, Lowestoft, Suffolk, fish merchant, Dec. 12 at 12, Lowestoft: Off. Ass. Reeve; Sol. Atkinson, Norwich.—Pet. f. Nov. 22.

**DANIEL BATES**, Thornton, Nottinghamshire, miller, Jan. 21 at 10, Bingham: Off. Ass. Patchitt; Sol. Coope, Nottingham.—Pet. f. Nov. 25.

**RICHARD SMITH** the elder, Hoo, Kent, land surveyor, Dec. 10 at 12, Rochester: Off. Ass. Acworth; Sol. Munday, 6, Essex-street, Strand.—Pet. f. Nov. 2.

#### MEETINGS.

*Edward Walford Jones*, Eldon-place, Upper Kennington-lane, Surrey, clerk to a coal merchant, Dec. 19 at 1, London, last ex.—*James Crane*, Weaver's-hall, Beestinghall-st., City, mining agent, Dec. 21 at 11, London, last ex.—*John Stevens*, Lonsdale-road, Bayswater, Middlesex, builder, Dec. 3 at half-past 1, London, last ex.—*Henry Tuson*, Cottage-place, Salmon's-lane, Limehouse, Middlesex, printer, Dec. 24 at 11, London, last ex.—*Francis Montier Mercer*, Midhurst, Sussex, licensed victualler, Dec. 20 at 12, London, last ex.—*Joseph Sowerby* and *Chas. Thomas Tatton*, Regent-circus, Oxford-street, Middlesex, drapers, Dec. 20 at 11, London, last ex.—*Robert House Bolton*, Norwich, plumber, Dec. 20 at 12, London, last ex.—*N. Hart*, Cranford, Suffolk, farmer, Dec. 20 at 1, London, last ex.—*Francis Hewer*, Hereford, butcher, Dec. 16 at 11, Birmingham, last ex.—*W. Richard Wadeley*, Birmingham, clicker, Dec. 16 at 11, Birmingham, last ex.—*Henry Reesbourn*, Hereford, jeweller, Dec. 16 at 11, Birmingham, last ex.—*Stephen Kacoles*, St. Thomas-the-Apostle, Devonshire, brewer, Dec. 27 at 12, Exeter, last ex.—*E. Williams*, St. Cleer, Cornwall, innkeeper, Dec. 27 at 1, Exeter, last ex.—*Geo. Wilkins*, Curry Mallett, Somersetshire, bear-house keeper, Dec. 27 at 12, Exeter, last ex.—*F. Paster*, Chadderton, Lancashire, cotton spinner, Dec. 20 at 1, Manchester, last ex.—*Richard Joseph Robinson*, Manchester, salesman, Dec. 20 at 2, Manchester, last ex.—*T. Brown*, Manchester, woollen warehouseman, Dec. 20 at 1, Manchester, last ex.—*Geo. Brook*, Kingston-upon-Hull, corn dealer, Dec. 16 at 12, Kingston-upon-Hull, last ex.—*Geo. Johnson Cook*, Kingston-upon-Hull, ginger-beer manufacturer, Dec. 16 at 12, Kingston-upon-Hull, last ex.—*James Canning*, Dursley, Hampshire, market gardener, Jan. 8 at 11, Bishops Waltham, last ex.—*Richard Wilking*, Sandbach Heath, near Sandbach, Cheshire, farmer, Dec. 3 at 10, Congleton, last ex.—*George Hall*, Longton, Staffordshire, tailor, Dec. 10 at 10, Stoke-upon-Trent, last ex.—*Thomas Newton*, Longton, Staffordshire, builder, Dec. 16 at 12, Stoke-upon-Trent, last ex.—*Robt. Wilde*, Rayton, Shropshire, tinner, Dec. 21 at 11, Oswestry, last ex.—*Joseph Clarke*, Oswestry, Shropshire, fruiterer, Dec. 21 at 12, Oswestry, last ex.—*John Jennings* and *Geo. Jennings*, Leeds, stone-bottle manufacturers, Dec.

18 at 12, Leeds, last ex.—*William Lamb*, Leeds, millwright, Dec. 16 at 12, Leeds, last ex.—*Asher Lamb*, Leeds, millwright, Dec. 16 at 12, Leeds, last ex.—*Wm. Taylor*, Ashen Hayes, near King's Bromley, Staffordshire, in no occupation, Dec. 16 at 10, Lichfield, last ex.—*John Staring Day*, Billetney, Essex, surgeon, Dec. 20 at 11, Brestwood, last ex.—*Thomas Brown*, Ilkerton, contractor, Dec. 19 at 11, Belper, last ex.—*Morris Goddard*, Brighton, Sussex, greengrocer, Dec. 7 at 10, Brighton, last ex.—*Thomas Ridgeway Cole*, Brighton, Sussex, printer, Dec. 7 at 10, Brighton, last ex.—*T. Swift* and *R. Wiggfall*, Manchester, coal merchants, Dec. 11 at 12, Manchester, last ex. of *T. Swift*.—*John Allan*, Durham, iron merchant, Dec. 11 at 1, Newcastle-upon-Tyne, last ex. and aud. ac.; Dec. 20 at half-past 11, div.—*Thomas Taylor* and *John Senger*, Soundwell, near Kingswood, Gloucestershire, indigo manufacturers, Dec. 19 at 11, Bristol, and ac. sep. est. of *Thomas Taylor*.—*Mancel J. Seares* and *Augusto Seares*, Mark-lane, City, commission merchants, Dec. 10 at 1, London, and ac.—*Thomas Carter*, Windsor-road, Upper Holloway, Middlesex, builder, Dec. 9 at 12, London, and ac.—*Thos. Coates*, Sunderland, publican, Dec. 10 at 11, Newcastle-upon-Tyne, and ac.—*Thomas Barratt*, Market Drayton, Shropshire, timber merchant, Jan. 13 at 11, Birmingham, and ac.; Jan. 15 at 11, div.—*James Wilkins*, Ketley, near Wellington, Shropshire, draper, Dec. 16 at 11, Birmingham, and ac.—*Thomas Elvine Peasney*, Broms-grove, Worcestershire, licensed victualler, Dec. 16 at 11, Birmingham, and ac.—*George Hall Manley*, Birmingham, grocer, Dec. 11 at 11, Birmingham, and ac.—*Philemon Roberts*, Darlaston, Staffordshire, grocer, Dec. 16 at 11, Birmingham, and ac.—*John Peaceck*, Seelley, Staffordshire, licensed victualler, builder, and brickmaker, Dec. 16 at 11, Birmingham, and ac.—*Thomas Joseph Moss*, Edgware-road, Hyde-park, Middlesex, jeweller, Dec. 17 at 12, London, div.—*Gustavus Frederick Rauch*, Huggin-lane, Wood-street, City, warehouseman, Dec. 20 at 11, London, div.—*J. Baks*, Cambridge-terrace, Barnsbury-park, and Caledonia-road, Middlesex, contractor, Dec. 16 at 12, London, div.—*E. Monk*, Shoebushness, Essex, furniture dealer, Dec. 19 at 11, London, div.—*Fred. Ricketts* and *Trevelen James*, Moor-gate-street, City, merchants, Dec. 18 at half-past 12, London, fin. div. sep. est. of *Fred. Ricketts*.—*Geo. Thos. Chambers*, Finsbury-pavement, and Green-street, Spitalfields, Middlesex, umbrella manufacturer, Dec. 20 at 1, London, div.—*Henry Pace*, St. John's-square, Clerkenwell, Middlesex, and Loughton, Essex, watch manufacturer, Dec. 17 at half-past 11, London, div.—*Ephraim Jobbins*, Gloucester, currier, Dec. 20 at 11, Bristol, div.—*Daniel Whaitis*, Bristol, haulier, Dec. 19 at 11, Bristol, fin. div.—*Wm. Riley* and *Wm. Tomkinson Riley*, Bliston, Seelley, and Walsall, Staffordshire, ironmasters, Dec. 16 at 11, Birmingham, div.—*John Tall*, Kingston-upon-Hull, tar distiller, Dec. 16 at 11, Kingston-upon-Hull, div.—*Edward Emerson Fenswick*, Newcastle-upon-Tyne, wine merchant, Dec. 19 at 1, Newcastle-upon-Tyne, first and fin. div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*William Eyreworth Tuke*, St. Dunstan's-hill, City, wine broker, Dec. 19 at 11, London.—*Francis Jeffries Russell*, Salisbury, Wiltshire, linendraper, Dec. 19 at 11, London.—*John Yates*, Berry-street, Clerkenwell, Middlesex, mustard manufacturer, Dec. 19 at half-past 11, London.—*Wm. Edw. Neeve Marriott*, Swaffham, Norfolk, tailor, Dec. 20 at half-past 11, London.—*William Smith*, Bermondsey New-road, Surrey, tanner, Dec. 20 at half-past 12, London.—*J. Large*, Upton, Berkshire, cattle salesman, Dec. 19 at half past 12, London.—*Jas. Brewster Gray*, Bromley, Middlesex, draper, Dec. 19 at 1, London.—*Jonathan Fielding Calvert*, Blackburn, Lancashire, draper, Dec. 19 at 12, Manchester.—*Joe Taylor*, Manchester, grocer, Dec. 19 at 12, Manchester.—*James Sandiford*, Accrington, Lancashire, contractor, Dec. 19 at 12, Manchester.

To be granted, unless an Appeal be duly entered.

*J. Lansdell Fuggle*, Gutter-lane, Cheap-side, City, neck-tie manufacturer.—*John Thomas Meek* and *Henry M. Radloff*, Chicksand-street, Whitechapel, Middlesex, oil refiners.—*J. Milhench*, *Thos. Wroe*, *Benjamin Taylor*, and *John Hopkin*, Oldham, Lancashire, cotton spinners.—*James Garton*, Nottingham, and *D. Brown*, Manchester, hardware dealers.—*James Porter*, Birmingham, shoemaker.—*John Wright*, Redditch, Worcestershire, grocer.

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## THE JURIST.

LONDON, DECEMBER 7, 1861.

THE Succession Duty Act cannot be regarded as a successful experiment either in taxation or in legislative expression. A tax on successions, varying inversely with the nearness of relationship between the successor and the person from whom he derives the succession, has been recommended by arguments that are more specious than sound. It is said that a person is more willing to pay a tax on his first coming into the enjoyment of property than he would be to answer the periodical demands of a tax-gatherer; and that a stranger in blood, or a remote relation to the late owner, may reasonably be taxed more severely than a near relation, because he had less reason to expect anything. But this is very rough justice even in theory, and in practice it often loses all semblance of equity. An illegitimate child pays 10l. per cent. on a succession from his father or mother, for no reason, unless it can be said, in the high Blackstonian style, that it was his folly to be born basely. The claims both of relations and of strangers are more frequently founded, both in real justice and in the estimation of the settlor, upon considerations quite secondary to those of consanguinity. A brother, upon whom all the paternal means have been lavished, and who alone of his family has prospered in life, owes at least an equal duty to his sisters, or his nephews and nieces, as to his own children. The tax is felt, and virtually paid, by the predecessor as much as by the successor,

for it is so much taken from his disposable means; and when legacies are given duty free, the tax is paid, in form as well as in substance, by the relation who takes the residue. The profligate husband or spendthrift son pays nothing or little, while the poor dependent cousin or faithful clerk who is turned adrift pays at a high rate. "The tax," said the late Mr. Brodie, "has also another decided advantage, from its being taken out of property in transitu before the new owner comes into the actual enjoyment of it. It is levied at the precise time when he acquires his fortune, or an increase of it." This is equally fallacious. It is true of that class of legacies which may be regarded as windfalls, but it is untrue of the great mass of the property which is subject to succession or legacy duty. In all cases where the deceased was the head of a family, which he supported by his industry, or maintained at an expense exceeding the annual income of his permanent property, his death has not brought an increase of fortune, but the contrary; and in the majority of cases it may be said that the succession or legacy duty is levied on persons who have suffered a pecuniary loss by the occasion of it. In short, the scheme of appraising the affections, the duties, or the expectations of men, with a view to taxation, is impracticable; and the only true measure of liability to contribute to the expenses of civil government is the amount of pecuniary benefit derived under it—the scale of living and expenditure of the contributor.

Whenever a law is founded on arbitrary distinctions which are not in harmony with the nature of things,

its machinery, however "well contrived, will certainly work with great friction and difficulty, and probably will break down at some point; and the Succession Duty Act, which has been drawn with more ability than felicity, is no exception to the rule. The main objection to it, and one which no amendment can remove, is, that its provisions are necessarily founded on a highly-refined and abstract notion, involving, in its application to practice, distinctions still more refined and abstract, difficult of comprehension by, if not absolutely unintelligible to, ordinary capacities. It is ever lurking as a snare for unwary trustees, and coming as an unwelcome surprise upon unconscious successors. The difficulties it presents to accomplished lawyers are neither few nor slight. The cases of *In re Jenkinson* (24 Beav. 64) and *The Attorney-General v. Yelverton* (30 L. J., Ex., 333) may be referred to in illustration of one of these difficulties. In *The Attorney-General v. Yelverton* the material facts were, that, W. Chambers being tenant for life, with remainder to his issue, with remainder to Miss Gulston and her issue, with remainder to W. F. Cowell in tail, a disentailing assurance was executed, and the estates were resettled, with remainder to W. F. Cowell in fee in the event of failure of issue of W. Chambers and of Miss Gulston; and W. F. Cowell charged the estate, when he should come into possession, with 20,000*l.* in favour of W. Chambers. W. Chambers settled this 20,000*l.* on two persons whom he had adopted as his children. It was held by the majority of the Court of Exchequer, against the opinion of Bramwell, B., that the adopted children were liable to pay duty on the 20,000*l.* when they became entitled to receive it, as on a succession from W. Chambers. The decision in *Re Jenkinson* was to the same effect. It was conceded on both sides, and was one of the points decided at the Rolls, that the original charge or contract to pay the money, being for valuable consideration, did not create a succession. The 17th section of the act made that clear:—"No policy of insurance on the life of any person shall create the relation of predecessor and mortgagor between the insurer and the insured, or between the insurer and any assignee of the insured; and no bond or contract made by any person *bonâ fide* for valuable consideration, for the payment of money or monies after the death of any other person, shall create the relation of predecessor and successor between the person making such bond or contract and the person to or with whom the same shall be made; but any disposition or devolution of the monies payable under such policy, &c., if *otherwise* such as in itself to create a succession within the provisions of this act, shall be deemed to confer a succession." In his comment on this clause, Mr. Thring adopted the construction which has been rejected by the Master of the Rolls and the majority of the Barons of the Exchequer, suggesting that, in the event of a settlement of the monies secured by a life policy on A. for life, with remainder to B. absolutely, A. would not be liable to pay duty. The Court of Exchequer, fearing probably the labyrinth of subtlety and contradiction into which a pursuit of the abstract notion of a succession would lead them, relied on the literal meaning of the words of the 2nd section, and, it is presumed (for the report does not say what rate of duty was held to be payable), considered that W. Chambers was the person from whom the succession was derived. The effect of the decision was, that W. F. Cowell paid succession duty on the full value of the estate (sect. 24), and the donee of the 20,000*l.* also paid duty on so much of that value as that sum represented. So that if the value of the estate had been only 20,000*l.*, duty to the amount of many hundreds would have been paid on a worthless

succession. The dissenting judge relied on the 15th section of the act; but that is no answer to a literal construction, for it only provides that the assignee of a succession shall pay duty at the same rate at which it would have been payable if the original owner had become entitled, and the interest now in question was not originally a succession. The same answer may, perhaps, be given to the learned Baron's inquiry, "Was it meant that this interest should be worth more to keep than to sell—more to sell to one of kin to the vendor than to another?" If the alienation *creates* the succession, there is no more to be said. But some of the consequences of the decision are remarkable. The person in whose favour the reversionary charge was made in the first instance is exempt from duty by the express provisions of the 17th section; but on the literal construction of the 2nd section a purchaser for value from such first purchaser must pay duty as on a succession from him—at a rate regulated by the degree of kindred; so that if A., for value, charges his estate with 20,000*l.* in favour of B., and B. sells the charge to his son C. for value, and C. sells to a stranger D. for value, D. must pay duty at 1*l.* per cent.; but if the intermediate purchaser had been a stranger to B., the duty would have been 10*l.* per cent. By the same reasoning, the purchaser of a life policy from the insured must pay succession duty on the amount received on the policy. If this is the effect of the act, Mr. Trevor has in very many cases neglected the interests of her Majesty's Exchequer.

#### BELLIGERENT RIGHTS AT SEA.

(Concluded from p. 463).

"The restoration of the rule, sustained by the earlier writers, of restricting blockades to places actually besieged, was also connected by the Senate of Hamburg with their late proposition for the immunity of private property at sea. Such a measure is necessary to the perfection of a system which would confine war to military operations, and is demanded not more for the interest of the peaceable inhabitants of the belligerent state than of neutrals. 'The investment of a place by sea and land,' said Mr. Cass, in his instructions for concluding maritime conventions in 1859, 'with a view to its reduction, preventing it from receiving supplies of men and material for its defence, is a legitimate mode of prosecuting hostilities, which cannot be objected to so long as war is recognised as an arbiter of national disputes. But the blockade of a coast, or of commercial positions along it, without any regard to ulterior military operations, and with the real design of carrying on a war against trade, and, from its very nature, against the trade of peaceable and friendly powers, instead of a war against armed men, is a proceeding which it is difficult to reconcile with reason, or with the opinions of modern times.' In looking, however, to the practical bearing of this matter, it is proper to remember that there is little danger of the paper blockades of the early part of the present century, which professedly retaliated on neutrals the alleged violations by the respective belligerents of the principles of international law, being hereafter resorted to by European powers. The decisions of the English courts—and they were in accordance with those of the French tribunals—during the Russian war, were well calculated to put an end to all attempts to place under an interdict, by a Cabinet notification, the entire coast of an extensive territory. I refer particularly to the decision of Lord Kingsdown in *The Francisca*, where it is declared that the notice of a blockade cannot be more extensive than the blockade



itself; that a belligerent cannot be allowed to proclaim that he has instituted a blockade of several ports of the enemy, when, in truth, he has only blockaded one; and that a neutral in such case is not liable to the penalties attending a breach of blockade for afterwards attempting to enter the port which is really blockaded. Moreover, since the peace, Sir Charles Napier, who must be an authority on such a subject, stated in the House of Commons that double or treble the whole British navy would not be sufficient to make such a blockade of all the ports of France as would conform with the requirements of the 'declaration.'

"In this connexion it may not be irrelevant to allude to the exception from immunity of contraband contained as well in Mr. Marcy's amendment as in the articles of the 'declaration' referring to the cargoes of neutrals and to neutral property in an enemy's vessel. If the principle of contraband is still to be maintained, it is not little to be regretted that in a solemn instrument, intended to settle the uncertainties of maritime law, it should have been left wholly undefined. On no point is there a greater diversity of opinion than with respect to the extent of its application. By the adoption of the rule, that a neutral flag protects enemy's goods, there is no longer any pretence for the existence of the right of search, unless as connected with contraband. Nor does there appear to be any advantage to the belligerent in the continuance of the rule of contraband commensurate with the injuries which it must inevitably cause to the neutral in the detention of his ship and the interruption to his trade, and from the collisions between neutrals and belligerents to which the exercise of the right of search must inevitably give rise. As destination to an enemy's port is an essential point in a question of contraband, in all cases where the rule is of any practical importance to a belligerent, the law of blockade, even though that right should be restricted to places actually besieged, would also intervene. I have already remarked, that unless the abolition of privateering had in view the immunity of private property, it was without object. Moreover, no new rule can stand the test of international morality unless it confers equal advantages and imposes equal obligations on all states, great and small. The immunity proffered must be a defence as well against the spoils of an enemy possessed of a great military marine, as of a State whose resources are confined to her mercantile navies. The article under consideration, in the terms of the 'declaration,' can only, like the denunciation of the slave trade by the Congress of Vienna, address itself to the consciences of the Powers. That matter required, to give it any practical effect, special conventional stipulations, followed by legislation; and though, by a gross misnomer, the term 'piracy' was applied to its infraction, the statute offence is distinguished from the crime of the same name under the law of nations, which was everywhere justiciable. The phrase '*La course est et demeure abolie*,' Lord Colchester, in an early debate, remarked, had been rendered by an English writer on international law, 'cruising is and remains abolished.' That would, of course, extend to the immunity of merchant ships from public as well as private vessels of war, if it did not abolish maritime war altogether. Capturing private property at sea, without a commission from some authority, is piracy; but it is not necessary that a Government, in order to enjoy belligerent rights, should be formally recognised by any other Power; and among these rights is that of issuing letters of marque and reprisal. Whether any case is within the principle of the arrangement of Paris, every nation to which a vessel belongs must decide for itself, subject, of course, to complaint on the part of the other contracting parties; but no State

can undertake to outlaw a cruiser of another Power, provided it has a commission from a *de facto* Government, for any infraction of the article against privateering.

"It is not to be presumed that the Congress of Paris undertook to determine the form to be given either to the military or naval organisation of the respective parties to the 'declaration.' What species of property shall be exposed to hostilities is a matter which comes home to the interests both of neutrals and belligerents, and it may be a subject for conventional regulation; but, so far as principle is concerned, it is certainly of little importance whether a war is conducted by vessels owned by individuals and chartered by the Government, or whether they have been originally constructed in the public yards. It is well known that at one period France was in the habit of making arrangements with corsairs of other countries, as well as her own, to carry on public wars. There is, it is believed, a clause in the contracts which the British Government has with its Transatlantic steamers for the conversion of them into vessels of war; and at this moment the Congress of the United States is deliberating on authorising the employment of merchant ships to enforce the measures of coercion now going on towards the seceded States, and the establishment of a volunteer navy, the commissions in which, like those of the volunteers on shore, are to be temporary, and confined to the immediate service. Can any one doubt their right, were the United States to become parties to the 'declaration,' of employing their volunteer navy for any purpose, even for the capture of private property, in which the public vessels of other nations might properly be engaged? It has been, I am aware, alleged as an objection practically applicable to privateers, that their officers are ordinarily of a less elevated class than those of ships of war, and that therefore there is danger of a greater abuse of their power of visitation. It is sufficient that the responsibility of a nation is as much pledged for the observance of the law of nations by the one as by the other species of force; nor is it to be forgotten that it is to public cruisers, and not to privateers, that the cruelties at different times inflicted by the destruction of the establishments of unarmed fishermen are to be ascribed.

"From what has been stated it may be inferred that the 'declaration' as to privateering, in its present form, so far from being operative, would only give rise to new complications and charges of evasion; while, if the reform was addressed to the immunity of private property in its extended sense, there would be nothing to interfere with its application. Though the proposition for exempting merchantmen from capture by public ships was withdrawn by the Government of the United States, it was revived in 1858 by another American State. Brazil proposed that 'all private property, without exception of merchant vessels, should be placed under the protection of maritime law, and be free from the attacks of cruisers of war.' The subject was subsequently, in consequence of the movements of the commerce of Hamburg and Bremen, greatly discussed by the publicists of Germany, and in the Chamber of Deputies of Prussia. Being in Germany at the time, I had an opportunity of appreciating the importance thus attached to it, even by those States which did not themselves possess a commercial marine, but whose manufactures, exported from Bremen and Hamburg, were subject to the dangers and embarrassments which attach to neutral property in time of war. Count Rechberg assured me, that though little of the Austrian commerce passed through their port of Trieste, yet that he placed such a value on the exports and imports to and



from the United States and elsewhere through the Hanse Towns, that, should the subject come before an European Congress, it would receive his support. The publicists who have discussed this topic have in general sustained the cause of reform; but I have within a few months received a pamphlet of a contrary import ('Propriétés privées des sujets Belligérants') from M. Hautefeuille, the learned author of several treatises on maritime law. M. Hautefeuille has ever been opposed to the abolition of privateering, which measure he deems to have been brought forward in the interests of England, while he ascribes the proposal of the immunity of private property at sea to a profound American policy, which President Buchanan's attempted negotiations as to blockades would only have rendered more complete. He entirely mistakes the scope of the Marcy amendment, which was intended to conciliate, as far as practicable, the supposed demands of humanity with what was due to the safety of the United States. No one doubted that in acceding, even with the amendment, to the Paris 'declaration,' this country would be abandoning the most efficient of its belligerent resources. M. Hautefeuille's argument is based on noncontroversial what he deems the false assumption that private property on land was free from belligerent capture, and denying that its immunity, either at sea or on land, is demanded by any considerations of humanity. My time will not permit me to follow M. Hautefeuille in his elucidations. It may be remarked, as to his first point, that any inaccuracy of the advocates of exemption from capture at sea, with reference to the existing rule as to the land, can in no wise affect the principle, except to include, if he is correct, the latter in the proposed reform. The treaty, as our author fully admits, of 175 dollars between Prussia and the United States, in its explicit provisions, both as to sea and land, left nothing to be supplied in this respect. M. Hautefeuille contends that the evils of war are to be estimated by its duration, and that the more destructive its operations are, the more it is brought home to all classes of the community, the more is the cause of humanity promoted. Without derogating from the course of reasoning, illustrated by the short Italian campaign, with its bloody battles of Magenta and Solferino, it is to be noticed that the absence of commerce and the stagnation of affairs enumerated by him are among the consequences of war, which it is the object of the proposed plan, at least, to diminish. M. Hautefeuille's argument, taken in its fullest extent, would ignore all the changes which the civilisation of centuries has introduced into the conduct of war. Neither the exchange nor ransom of prisoners would be tolerated, but slavery or death would be the lot of captives.

"I have written thus much *calamo currente*; and as it is only possible that, even if sent to the Post-office at once, it will reach you in time for the proposed meeting, I have no opportunity for corrections, much less for transcribing. You will receive the note in its rough form, as an evidence of my desire to respond to your flattering invitation.

"Believe me, my dear sir,

"Yours very truly,

"John Westlake, Esq., &c.

"W. B. LAWRENCE.

"I might have referred, as authorities, to the recent German publicists, who, so far from according with the doctrines of Hautefeuille, contend for strictly confining war to the hostilities between State and State. Among them Heffter, on the authority of Zachariæ, maintains, that in the absence of express provisions, the modern laws of war prohibit any prejudice to the individual rights of the enemy's subjects, and that they are no longer opposed to their claims being regu-

larly prosecuted before the competent tribunals. French translator, Bergsen, earnestly support principle of the Marcy amendment."

## PUBLIC EXAMINATION OF STUDENTS HILARY TERM, 1862.

THE Council of Legal Education have approved the following rules for the public examination students.

The attention of the students is requested following rules of the Inns of Court:—

"As an inducement to students to propose selves for examination, studentships shall be of fifty guineas per annum each, to continue for a period of three years, and one such studentship conferred on the most distinguished student at public examination; and further, the examiners select and certify the names of three other students who shall have passed the next best examination, and the Inns of Court to which such students may, if desired, dispense with any terms, notwithstanding two, that may remain to be kept by such students previously to their being called to the Bar, provided that the examiners shall not be obliged to confer or grant any studentship or certificate if they shall be of opinion that the examination of students they select has been such as entitle them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take precedence in seniority over all other students who shall be called on the same day."

"No students shall be eligible to be called to the Bar who shall not either have attended during the whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

### RULES FOR THE PUBLIC EXAMINATION OF STUDENTS FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Hilary Term to which a student of any of the Inns of Court is desirous of becoming a candidate for a studentship, or of obtaining a certificate of honour, or of obtaining a certificate of being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he proposes to go on or before Wednesday, the 1st day of January next; and he will further be required to put in writing whether his object in offering himself for examination is to compete for a studentship, or for an honourable distinction, or whether he is desirous of obtaining a certificate preliminary to the Bar.

The examination will commence on Wednesday the 8th day of January next, and will be continued on Thursday and Friday following.

It will take place in the Benchers' Reading Room, Lincoln's-inn; and the doors will be closed after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Wednesday morning, the 8th January, at nine, on Constitutional Law and Equity; in the afternoon, at half-past one, on the Law of Equity.

Thursday morning, the 9th January, at nine, on Common Law; in the afternoon, at half-past one, on the Law of Equity, &c.

Friday morning, the 10th January, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Friday afternoon there will be oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

**THE READER ON CONSTITUTIONAL LAW AND LEGAL HISTORY** will expect the candidates for honours to be well acquainted with the origin and progress of our Laws and Constitution, as explained in chap. 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the chapters in Hallam's Constitutional History which give an account of the Reigns of Elizabeth, the Stuarts, William III, and Anne; with the State Trials of persons eminent in our history, or remarkable for any other reason, from the time of James I to the Accession of George I; with the History of the Law of Treason and Libel.

All candidates will be required to know the leading events in English History from the Conquest to the Accession of George III; to have an accurate knowledge of the Reigns of the Stuart Kings, of Magna Charta, the Petition of Right, the Bill of Rights, the Habeas Corpus Acts, and the Act of Settlement.

**THE READER ON EQUITY** proposes to examine in the following books:—

1. Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity, part 1.

2. The Cases and Notes contained in the first volume of White & Tudor's Leading Cases; the Act to further amend the Law of Property and to relieve Trustees, 22 & 23 Vict. c. 35; the Act to further amend the Law of Property, 23 & 24 Vict. c. 38; the Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills, 23 & 24 Vict. c. 145; the General Orders of the Court of Chancery of the 1st February, 1861, and of the 5th February, 1861 (ante, p. 58); Mitford on Pleadings in the Court of Chancery—Intro-

duction, c. 1, ss. 1, 2; c. 1, s. 3 (the first six pages); c. 2, s. 1; c. 2, s. 2, part 1 (the first three pages); c. 2, s. 2, part 2 (the first two pages); c. 2, s. 2, part 3; c. 3.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

**THE READER ON REAL PROPERTY LAW** proposes to examine in the following books and subjects:—

1. Joshua Williams on the Law of Real Property, 5th ed.

2. The Specific Performance of Contracts—Sugden's Vendors and Purchasers, c. 5, s. 3, 13th ed.; or Dart's Vendors and Purchasers, c. 18, 8rd ed.

3. The stats. 22 & 23 Vict. c. 35 (Hunter's or Langley's edition), and 23 & 24 Vict. c. 145.

4. The different kinds of Powers, and their Extinction and Suspension—Edwards v. Slater (Hardres' Reports, 410), and the Notes to that Case in Tudor's Leading Cases in Conveyancing, 277.

5. Hayes on the Common Law, Uses, and Trusts. Candidates for honours will be examined in all the foregoing books and subjects; candidates for a certificate in those under heads 1, 2, and 8.

**THE READER ON JURISPRUDENCE AND THE CIVIL LAW** proposes to examine candidates for honours in the following books and subjects:—

1. The Roman Law of Property and of Contract—Warnkönig's Institutiones Juris Romani Privati, lib. 2, and cc. 1-4 of lib. 3.

2. Austin's Province of Jurisprudence Determined; lecture 1 and lecture 6.

3. The last two Titles of the Digest—De Verborum Significatione and De Regulis Juris.

Candidates for a certificate will be examined in—

1. Sandars's Justinian, books 2 and 3.

2. The last Title of the Digest—De Regulis Juris.

**THE READER ON COMMON LAW** proposes to examine in the following books and subjects:—

Candidates for a pass certificate will be examined in—

1. The Ordinary Course of Procedure and Pleading in an Action.

2. Smith's Compendium of Mercantile Law, last ed., book 1, cc. 2, 4, 5; book 3, cc. 1, 2.

3. The Law of Torts—Broom's Commentaries, last ed., book 3.

4. Criminal Law, so far as it concerns Offences against the Person (24 & 25 Vict. c. 100, ss. 1-47 inclusive). This subject may be read in Mr. Greaves's edition of the Criminal-law Acts, pp. 17-49.

Candidates for the studentship or honours will be examined in the above-mentioned books and subjects, and also in—

5. Paley on Convictions, part 1—"Matters antecedent to Conviction."

6. The following cases from the second volume of Smith's Leading Cases, 4th ed., with the Notes thereto:—

Law of Contracts—Addison v. Gandasequi, Cutler v. Powell, Marriot v. Hampton, Paterson v. Gandasequi, and Thomson v. Davenport.

Law of Evidence—Higham v. Ridgway, The Duchess of Kingston's case, and Hughes v. Cornelius.

7. Criminal Pleading and Practice, as set forth in Archbold's Criminal Pleadings, last ed., book 1, part 1.

8. The Instruments of Evidence—Taylor on Evidence, last ed., part 3.

By order of the Council,

EDWARD RYAN, Chairman pro tem.

## Court Papers.

## EQUITY CAUSE LISTS, AFTER MICHAELMAS TERM, 1861.

\*\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. C.* Further Consideration—*F. D.* Further Directions—*M.* Motion—*M. D.* Motion for Decree—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

## APPEALS.

Nowell v. Andover and Red-bridge Railway Co. (S., June 3) *L. C.*  
 Hughes v. Chester and Holyhead Railway Co. (K., July 6) (Part heard) *Dec. 10*  
 Jones v. Elborough (R., July 17)  
 Thomas v. Hobler (W., Aug. 22) *L. C.*  
 Oriental Inland Steam Co. v. Briggs (W., Nov. 19) *L. C.*

Vyvyan v. Vyvyan (R., Nov. 20) *L. C.*  
 Perfect v. Lane (R., Nov. 27)  
 M'Larty v. Middleton (K., Nov. 27)  
 Phillips v. Phillips (S., Nov. 28).

## CAUSES.

Davies v. Smith (M D, Ap M) *L. J.*  
 Hills v. Evans (M D) *L. C.*  
*Dec. 10*

Before the Right Hon. the MASTER OF THE ROLLS.

## CAUSES, &amp;c.

Nelson v. Bealby (Cause)  
 Dorsett v. Dorsett (M D)  
 Beer v. Tapp (F C)  
 Fisher v. Brierley (F C, Ptn)  
 Elliott v. Tooth (M D)  
 Dransfield v. Heginbottom (Cause, Summons to vary certiff. in Bent v. Buckley)  
 Noble v. Stow (F C)  
 Benyon v. Ashton (M D)  
 Cornewall v. Downes (M D)  
 Peto v. Hammond (Cause restored by order, pt. heard)  
 Peto v. Hammond (M D, as against the defendants, added by amended bill)  
 Partington v. Gray (Cause)  
 Sopwith v. Maughan (F C)  
 Cooke v. Greves (M D)  
 Hamilton v. Walpole (M D)  
 Smith v. Creasy (M D)  
 Pateshall v. Bishop (F C)  
 Hargreaves v. Pennington (M D)  
 Overton v. Crittall (F C)  
 Gregory v. Faulkner (M D)  
 Bence v. Bence (M D)  
 Dupree v. Rowe (M D)  
 Leslie v. Chapman (M D)  
 Batchelor v. Howard (F C)  
 Carmichael (Bart.) v. Demain (Cause)  
 Else v. Barnard (F C)  
 Burrell v. Delevante (M D)  
 Burch v. Burrows (F C)  
 Neale v. Prior (M D)  
 Baker v. Baker (M D)  
 Taylor v. O'Brien (M D)

Terrell v. Macdonald (M D)  
 Sir W. H. B. Folkes v. Gurney (M D)  
 Lyster v. Jearrad (M D)  
 Bottomley v. Mitchell (M D)  
 Stott v. Lord (Cause)  
 Dickson v. Adams (M D)  
 Twining v. Jacquet (Cause)  
 Pickersjill v. Grey (Cause)  
 Hardwick v. Gilbert (M D)  
 Reid v. Reid (M D)  
 Smith v. Chiffney (M D)  
 Hepworth v. Hill (M D)  
 Garrard v. Frankel (Cause)  
 Greenhill v. Adams (F C)  
 Notley v. Izant (F C)  
 Right Hon. Lady Topham v. Duke of Portland (M D)  
 Parker v. Armstrong (M D)  
 Ravenscroft v. Jones (M D)  
 Williams v. Watkins (M D)  
 Dury v. Moualey (Cause)  
 Brophy v. Bellamy (F C)  
 Maw v. Pearson (Cause)  
 Nettleship v. Spooner (M D)  
 Allison v. Allison (M D)  
 Salmon v. Dunn (M D)  
 Wrigglesworth v. Wrigglesworth (Cause)  
 Hall v. Dawson (M D)  
 Preston v. Lancaster (F C)  
 Sharp v. Wright (M D)  
 Grainger v. Wright (M D)  
 Grant v. Grant (M D)  
 Smith v. Beckett (M D)  
 Dolby v. Powell (M D)  
 Young v. Hardy (M D).

Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

## CAUSES, &amp;c.

Upton v. Vanner (Cause, part heard)  
 Fleischmann v. Earl of Mornington (M D)  
 Hinchcliffe v. Hinchcliffe (Sp. case)  
 Colyer v. Colyer (M D)  
 Pechine v. Denis (Cause)  
 Greenwood v. Greenwood (Cause)  
 Franklin v. Osmond (M D)  
 Woolnough v. Sturgis (M D)

Drakesford v. Stubbs (F C, Sum. to vary certificate, pt. hd., a day to be named)  
 Mayne v. Clement (Cause)  
 Matthews v. Goodday (M D)  
 Wills v. Pain (Cause)  
 Leaton v. Armstrong (M D)  
 Stacy v. Souther (Cause)  
 Leyland v. Leyland (Cause)  
 Webster v. Jenner (Cause)  
 Sands v. Soden (M D)  
 Mayhew v. Finney (Cause)  
 Hoare v. Osborne (Cause)  
 Ward v. Hyde (F C)  
 Cleverly v. Cleverly (F C)  
 Humfrey v. Humfrey (Sp C)  
 Wilson v. Hathaway (Cause)  
 Tampier v. Ingle (M D)

White v. King (M D)  
 In re Thompson's Estate (F C, adj. from ch.)  
 Thompson v. Tompkins (F C, adj. from ch.)  
 Norvall v. Pascoe (M D)  
 Foljambe v. Bramley (M D)  
 Lawrence v. Campbell (M D)  
 Caldwell v. Ellison (Cause)  
 Stevens v. Hale (F C)  
 Giles v. Davis (M D)  
 Poole v. Odling (M D)  
 Cary v. Higgins (M D)  
 Thomas v. Pascoe (Cause)  
 Waters v. Jeffries (M D)  
 Waters v. Tomkins (M D)  
 Fox v. Charlton (F C, set down by defts. Hall & Wile).

Before the Vice-Chancellor Sir JOHN STUART.

## CAUSES, &amp;c.

Anglo-Australian & Universal Family Life Assurance Co. v. Official Manager of the British Provident Life and Fire Assurance Society (M D)  
 Gibbs v. Daniel (M D) *Dec. 7*  
 Whitehouse v. Whitehouse (M D)  
 Hunton v. Hutchinson (Cause, part heard)  
 Blest v. Brown (Cause) *Dec. 10*  
 Woodhams v. Anglo-Australian and Universal Family Life Assurance Co. (M D)  
 Burdon v. Barkus (M D)  
 Mills v. Barlow (M D)  
 Hope v. Lister (Cause)  
 Perks v. Wycombe Railway Co. (M D) *S O*  
 Eastwood v. Ayrton (M D)  
 Leather Cloth Co., Limited v. Bresseay (M D)  
 Graham v. Graham (F C, 2 Summonses) *Dec. 10*  
 Webb v. Holton (F C)  
 Mills v. Alleyne (F C)  
 Hewes v. Jarvis (F C, Sum.)  
 Eglin v. Sanderson (F C)  
 Seaman v. Seaman (F C)  
 Rayson v. Watson (F C)  
 Cann v. Beetham (M D)  
 Wiggins v. Fruin (M D)  
 Baker v. Goodwin (M D)  
 Le Doulet v. Blanchard (M D)  
 Milroy v. Lord (M D)  
 Heald v. Hay (M D)  
 Bradford v. Nettleship (F C)  
 Hingston v. Lyne (F C)  
 Fielder v. Hornby (F C)  
 Cordingley v. Cheesebrough (M D)  
 Browne v. Mead (M D)  
 Bond v. Biggs (M D)  
 Moxey v. Bigwood (M D)  
 Barrow v. Hyalop (F C)  
 Jonson v. Hudleston (M D)  
 Ratcliff v. Ratcliff (F C)  
 Nicholson v. Lyon (M D)  
 Sidebottom v. Woodcroft (M D)  
 In re Cumming's Estate (F C, Sum. from chamb.)  
 Russell v. Mackie (F C, Sum. from chamb.)

Edwards v. Kennedy (M D)  
 Twynnam v. Hudson (Cause)  
 Hickling v. Hewson (Cause)  
 In re Thomas (F C)  
 Hawkswell v. Wilkinson (F C, from ch.)  
 In re Sarah Temple's Estate (F C, from ch.)  
 Temple v. Temple (F C, from ch.)  
 In re Henry Temple's Estate (F C, from ch.)  
 Temple v. Temple (F C, from ch.)  
 Clarke v. Watson (Cause)  
 In re Clement's Estate (F C, 2 Summonses)  
 Clement v. Clement (F C, 2 chambers)  
 Phillips v. Treby (Cause)  
 Appleton v. Sturgis (M D)  
 Matson v. Dennis (F C)  
 Elwes v. Barnard (F C)  
 Marlow v. Orgill (Cause)  
 Langford v. Gowland (F C)  
 In re Tell's Estate (F C, from chamb.)  
 Tell v. Barlow (F C, from chamb.)  
 Lillie v. Legh (M D)  
 Ducksels v. Northard (Cause)  
 Heanley v. Merrifield (M D)  
 Obee v. Bishop (F C)  
 Ettrick v. Reed (M D)  
 Postlethwaite v. Dunderdale (Cause)  
 Official Manager of the British Provident Life and Fire Assurance Society v. Anglo-Australian & Universal Family Life Assurance Co. (M D)  
 Owens v. Hunt (M D)  
 Brown v. Thompson (M D)  
 Brown v. Dewick (M D)  
 Tilleard v. M'Cormick (M D)  
 Holland v. Atkinson (M D)  
 Upton v. Stansfield (M D)  
 Carruthers v. Sturdy (M D)  
 Williams v. Teale (F D)  
 and 5 other causes  
 Bilton v. Thomas (M D)  
 Haworth v. Richardson (M D)  
 Jeffreys v. Stewart (M D)  
 Proctor v. Spittlehouse (M D)  
 Orchard v. Orchard (Cause)  
 Hathaway v. Bricknell (M D)  
 Turnbull v. Woolfe (M D)  
 Peete v. Dixon (M D).

*Before the Vice-Chancellor Sir W. P. Wood.*

## CAUSES, &amp;c.

Grainger v. Anderson (Cause, part heard)  
Stainton v. Stainton (D)  
Hunt v. Tozer (Cause)  
Jeaffreson v. Barnard (Cause)  
Pothergill v. Randall (M D)  
Cresswell v. Haines (M D)  
Bond v. Taylor (M D)  
Hance v. Truwhitt (Sp C)  
Dixon v. Duffield (Sp C)  
Holmes v. Blackmore (M D)  
Whalley v. Ramage (Cause)  
Glover v. Baker (M D) Dec. 4  
Mendez v. Guedella (M D) Dec. 4  
Wright v. Wright (Cause)  
Spaight v. Cowne (Cause)  
Glyn v. Flamank (M D)  
Arthur Smith v. William Smith (Cause)  
Reeve v. Reeve (Cause)  
Hill v. Potts (Cause)  
Thomas v. Lewis (Cause)  
Clayton v. Bramham (M D)  
Turner v. Taylor (M D)  
Kitchin v. Saunders (M D)  
Trevethan v. Rowlands (M D)  
London and North-western Railway Co. v. Ackroyd (M D)  
Marsh Caldwell v. Marsh Caldwell (F C)  
General Iron Screw Collier Co. v. Schurmanns (F C)  
Mills v. Brown (M D)  
Brooks v. Maurenbrecher (M D)  
Firth v. Longbottom (F C)  
Sidebottom v. Sidebottom (F C)  
Turquand v. Fairlie (M D)  
Willoughby v. Middleton (M D)  
Barrow v. White (M D)  
Nash v. Nash (F C)  
Stabbe v. Oldham (F C)  
Postlethwaite v. Lewthwaite (M D)  
Wyndham v. Wyndham (M D)  
Drake v. Row (F C)  
Watkins v. Smith (F C)  
Mollish v. Vallins (Sp C)  
Meux v. Watling (M D)  
German v. Flower (Sp C)  
Stevenson v. Whitmore (Cau.)  
Barnard v. Barnard (Cause)  
Parker v. Hills (F C)  
Welsford v. Packer (F C)  
Shaw v. Postlethwaite (F C)  
Vizetelly v. Friwell (M D)  
Parkes v. Bamford (F C)  
Crozier v. Panton (Cause)  
Att.-Gen. v. Mayor, &c. of Newcastle-under-Lyne (M D)  
Day v. Pilgrim (Cause)  
Ingham v. Potts (F C)  
Benham v. Keane (F C)  
In re Harborne's } (F C, adj. Estate from  
Bunsted v. Rossi } chambers)  
Hanson v. Farrar (M D)  
Bushell v. Collett (M D)  
Watts v. Druce (Cause)

Newton v. Marsden (Sp C)  
Aslett v. Farquharson (M D)  
Piggin v. Sills (M D)  
Marshall v. Peacock (F C)  
Livesey v. Broughton (M D)  
Att.-Gen. v. Mercers Co. (Cau.)  
Hunter v. Hunter (M D)  
Wyatt v. Watson (M D)  
Dalton v. Hill (Sp C)  
Bunn v. Folkestone West Cliffe Hotel Co., Limited (M D)  
Smart v. Dowager Countess of Jersey (M D)  
Hay v. Metropolitan Railway Co. (M D)  
Horsfall v. Horsfall (M D)  
Horsfall v. Hulbert (M D)  
Montefiore v. Bickley (M D)  
Thompson v. Watts (M D)  
Allen v. Allen (M D)  
Taylor v. Brown (Cause)  
Arnold v. Brown (Cause)  
Court v. Court (F C)  
Mottley v. Mottley (M D)  
Stainton v. Stainton (M D)  
Williams v. Thomas (M D)  
Walker v. Willan (F C)  
Bolton v. Bolton (F C)  
Weedon v. Conway (M D)  
Arminson v. Carr (M D)  
Cumberland Black-lead Mine Co., Limited v. Eales (M D)  
Wright v. Bouverie (Cause)  
Dorling v. Claydon (M D)  
Bantoft v. Bennett (M D)  
White v. Brown (F C)  
Patch v. Sparks (Cause)  
Llandaff and Canton District Market Co. v. Mayor, Aldermen, &c. of Cardiff (M D) Dec. 6  
Husband v. Colville (Cause)  
Jenkins v. Howell (Cause)  
Dunlop v. Lever (M D) Dec. 4  
Simper v. Foley (M D) Dec. 4  
Ryde Commissioners v. Isle of Wight Ferry Co. (M D)  
Bidder v. Richards, Clerk to the Board of Health, Croydon (M D)  
Gardner v. Charing-cross Railway Co. (M D)  
Price v. Harris (Cause)  
Long v. Wilson (M D)  
Dunmore v. Smart (Cause)  
Lancaster v. Sir Humphrey de Trafford, Bart. (Cause)  
Garrod v. Holmes (Cause)  
Howarth v. Rothwell (Cause)  
Bushill v. Mayon (Cause)  
Rix v. Harvey (M D)  
Worsley v. Wilson (M D)  
Bates v. Mackinley (M D)  
Lyon v. Donohoe (M D)  
Savage v. Baker (M D)  
Pares v. Pares (M D)  
Bath v. Bath (F C)  
Arnold v. Hother (M D)  
Wintle v. Bristol and South Wales Union Railway Co. (M D)  
Harrison v. Watts (F C)  
Saunders v. Saunders (M D)  
Dewrance v. Dewrance (M D)

JOHN HOARE, Piccadilly, Middlesex, tobacconist, Dec. 24 at 12, London: Off. Ass. Edwards; Sol. Pook, 27, Basinghall-street.—Pet. f. Nov. 27.  
THOMAS DALY, Woolwich, Kent, blacksmith, Dec. 24 at 11, London: Off. Ass. Edwards; Sol. Wright, 123, Chancery-lane.—Pet. f. Nov. 26.  
JOSEPH HARRISON, Cain-place, Kentish-town, corn merchant, and Clarendon-yard, Camden-road-villas, Camden-town, Middlesex, cabriolet proprietor, Dec. 24 at 11, London: Off. Ass. Edwards; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. Nov. 26.  
THOMAS HILL, Lee, Kent, builder, Dec. 24 at 2, London: Off. Ass. Edwards; Sol. Kent, 11, Cannon-street West.—Pet. f. Nov. 28.  
SAMUEL ROGERS, London-street, Paddington, Middlesex, corn dealer, Dec. 24 at 1, London: Off. Ass. Edwards; Sol. Denny, 13, Austin-frars.—Pet. f. Nov. 28.  
WILLIAM SHIRT, Ashby-road, Islington, Middlesex, in no business (a prisoner in Whitecross-street Prison), Dec. 24 at 2, London: Off. Ass. Edwards.—Pet. f. Nov. 26.  
HOPE HUNTER, Walsall, Staffordshire, draper, Dec. 18 at half-past 11, Birmingham: Off. Ass. Whitmore; Sols. Wilkinson, jun., Walsall; James & Knight, Birmingham.—Pet. f. Nov. 26.  
HENRY WALKINSHAW, Birmingham, engraver, Dec. 10 at 11, Birmingham: Off. Ass. Whitmore; Sol. Foster, Birmingham.—Pet. f. Nov. 26.  
EDMUND GREENHOUSE, Kingsland, Herefordshire, maltster, Dec. 12 at 11, Birmingham: Off. Ass. Kinnear; Sols. Robinson, Leominster; Reece, Birmingham.—Pet. f. Nov. 16.  
THOMAS STUBBS, Swinscoe, Blore, Staffordshire, joiner, Dec. 12 at 11, Birmingham: Off. Ass. Kinnear; Sol. Tomlinson, Ashbourne, Derbyshire.—Pet. f. Nov. 26.  
JACOB STANLEY LISTER, Bilston, Staffordshire, timber merchant, Dec. 18 at half-past 11, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham.—Pet. f. Nov. 25.  
RICHARD CAMPION and EDMUND HENRY JONES, Wolverhampton, Staffordshire, chemists, Dec. 18 at half-past 11, Birmingham: Off. Ass. Kinnear; Sols. H. & J. E. Underhill, Wolverhampton; Hodgson & Allen, Birmingham.—Pet. f. Nov. 27.  
ADAM PRINGLE, Radford, Nottinghamshire, retail beer-seller, Dec. 10 at 11, Nottingham: Off. Ass. Harris; Sol. Lees, Nottingham.—Pet. f. Nov. 26.  
JOHN BANNISTER, Liverpool, Dec. 17 at 11, Nottingham: Off. Ass. Harris.  
CHARLES BARTHOLOMEW, Bristol, proprietor of Turkish baths, Dec. 10 at 11, Bristol: Off. Ass. Miller; Sols. Clifton & Benson, Bristol.—Pet. f. Nov. 26.  
JOHN PETER WILLMOT, Plymouth, Devonshire, chemist, Dec. 12 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Elworthy & Co., Plymouth.—Pet. f. Nov. 26.  
GEORGE COZENS, High Ham, near Langport, Somersetshire, cattle dealer, Dec. 11 at 12, Exeter: Off. Ass. Hirtzel; Sols. Reed, Bridgwater; Clarke, Exeter.—Pet. f. Nov. 26.  
ROBERT HAWKINGS, Huntspill, near Bridgwater, Somersetshire, farmer, Dec. 17 at 12, Exeter: Off. Ass. Hirtzel; Sols. Reed, Bridgwater; Clarke, Exeter.—Pet. f. Nov. 28.  
ANN JACKSON, Bradford, Yorkshire, lodging-house keeper, Dec. 9 at 11, Leeds: Off. Ass. Carrick; Sol. Mason, York.—Pet. f. Nov. 23.  
BENJAMIN BARTLETT NICHOLLS, Chapeltown, near Leeds, Yorkshire, commission merchant, Dec. 16 at 11, Leeds: Off. Ass. Carrick.  
ARTHUR TRENAM, Mansfield, Nottinghamshire, licensed victualler, Dec. 14 at 11, Sheffield: Off. Ass. Young; Sols. Smith & Burdakin, Sheffield.—Pet. f. Nov. 15.  
FREDERICK GEORGE FIELD, Barnsley, Yorkshire, shoemaker, Dec. 12 at 11, Leeds: Off. Ass. Young; Sols. Tyas & Harrison, Barnsley; Bond & Barwick, Leeds.—Pet. f. Nov. 25.  
CHARLES WORMALD, Leeds, Yorkshire, machine comb manufacturer (trading under the style or firm of C. Wormald & Co.), Dec. 12 at 11, Leeds: Off. Ass. Young; Sols. Teale & Appleton, Leeds.—Pet. f. Nov. 26.  
JOHN AUSTIN, Newcastle, Glamorganshire, carpenter, Dec. 7 at 12, Bridgend: Off. Ass. Lewis.

11, Liverpool: Off. Ass. Bird; Sol. Atkins & Bartlett, Liverpool.—Pet. f. Nov. 27.

**SAMUEL BRAND**, Liverpool, licensed victualler, Dec. 12 at 11, Liverpool: Off. Ass. Bird; Sol. Kent, Liverpool.—Pet. f. Nov. 26.

**HUGH HUMPHREYS**, Hendy Towyn, Merionethshire, merchant, Dec. 9 at half-past 12, Liverpool: Off. Ass. Turner.

**OWEN EDWARDS**, Liverpool, joiner, Dec. 9 at 11, Liverpool: Off. Ass. Morgan; Sols. Owen & Mence, Liverpool.—Pet. f. Nov. 25.

**JOHN SHAW**, Broughton in Furness, Lancashire, druggist, Dec. 10 at 12, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester; Foster, Birmingham.—Pet. f. Nov. 16.

**GEORGE GIOVANNOVICH**, Manchester, merchant, Dec. 10 at 11, Manchester: Off. Ass. Pott; Sol. Heywood, Manchester.—Pet. f. Nov. 26.

**JOHN MATHER**, Warrington, Lancashire, music seller, Dec. 12 at 11, Manchester: Off. Ass. Hernaman; Sol. Horner, Manchester.—Pet. f. Nov. 13.

**JOHN RICHARD TREMLETT and EDWARD HILL**, Salford, Lancashire, stonemasons (under the firm of Tremlett & Hill), Dec. 12 at 11, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Pet. f. Nov. 26.

**THOMAS STONE**, Reedham, Norfolk, cordwainer, Dec. 13 at 12, Great Yarmouth: Off. Ass. Palmer; Sol. Cufande, Great Yarmouth.—Pet. f. Nov. 25.

**HENRY JAMES BUTCHER**, Great Yarmouth, Norfolk, agent to the East of England Monetary Association, Dec. 12 at 3, Great Yarmouth: Off. Ass. Palmer; Sol. Pollard, Ipswich.—Pet. f. Nov. 25.

**RICHARD OGDEN**, Jumbo, Tonge, Lancashire, farmer, Dec. 12 at 12, Oldham: Off. Ass. Summerscales; Sol. Ascroft, Oldham.—Pet. f. Nov. 22.

**WILLIAM MITCHELL**, Landport, Portsea, Hampshire, veterinary surgeon (a prisoner in the Hants County Prison, at Winchester), Dec. 9 at 11, Portsmouth: Off. Ass. the registrar.

**JOSEPH COWLEY**, Landport, Portsea, Hampshire, dealer in cattle (a prisoner in the Hants County Prison, at Winchester), Dec. 9 at 11, Portsmouth: Off. Ass. the registrar.

**GEORGE DIMOND**, Gosport, Hampshire, dealer in stationery (a prisoner in the Hants County Prison, at Winchester), Dec. 9 at 11, Portsmouth: Off. Ass. the registrar.

**GEORGE WILLIAM KING**, Southsea, Portsea, Hampshire, butcher, Dec. 9 at 12, Portsmouth: Off. Ass. the registrar; Sol. Cousins, jun., Portsea.—Pet. f. Nov. 26.

**JOSEPH PARTRIDGE**, Willenhall, Staffordshire, painter, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Walker, Wolverhampton.

**THOMAS HARRIS**, Wolverhampton, Staffordshire, provision dealer's assistant, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

**RICHARD REYNOLDS**, Wolverhampton, Staffordshire, butcher, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

**JOHN PROSSER**, Cheltenham, Gloucestershire, gardener, Dec. 10 at 11, Cheltenham: Off. Ass. Gale.—Pet. f. Nov. 25.

**ISAAC SUDBURY PARKINS**, Blackburn, Lancashire, commission agent, Dec. 12 at 11, Blackburn: Off. Ass. Bolton; Sol. Clough, Blackburn.—Pet. f. Nov. 26.

**GEORGE HEPPENSTALL**, Sheffield, Yorkshire, steel converter, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Turner, Sheffield.—Pet. f. Nov. 26.

**JAMES JEPSON**, Sheffield, Yorkshire, grocer, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Pattison, Sheffield.—Pet. f. Nov. 26.

**EDWARD PRIESTLEY**, Huddersfield, Yorkshire, fulling miller, Dec. 12 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Leadbeater.—Pet. f. Nov. 21.

**DAVID ASPINALL**, Huddersfield, Yorkshire, slater, Dec. 13 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Dransfield, Huddersfield.—Pet. f. Nov. 14.

**FLEETWOOD MILNES**, Dalton, Kirkheaton, Yorkshire, Dec. 12 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Dransfield, Huddersfield.—Pet. f. Nov. 21.

**GEORGE SMETHURST**, Huddersfield, Yorkshire, baker, Dec. 12 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Mason, York.—Pet. f. Oct. 19.

shire, schoolmaster, Dec. 9 at 10, Settle: Off. Ass. Atkinson; Sol. Robinson, Settle.—Pet. f. Nov. 25.

**THOMAS WALTERS**, Wern Ystalyfera, Llanguicks, Glamorganshire, grocer, Dec. 13 at 12, Neath: Off. Ass. Morgan; Sol. Goodere, Swansea.—Pet. f. Nov. 25.

**JOHN ROBBINS**, Lytchett Matravers, Dorsetshire, grocer, Dec. 11 at 11, Poole: Off. Ass. Dickinson; Sols. Aldridge & Harker, Poole, Dorsetshire.—Pet. f. Nov. 27.

**SAUL BARNES**, Lowestoft, Suffolk, shoemaker, Dec. 12 at 3, Lowestoft: Off. Ass. Reeve; Sol. Seago, Lowestoft.—Pet. f. Nov. 25.

**JAMES PERRY**, Birmingham, broker, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Fluck, Birmingham.—Pet. f. Nov. 25.

**CHARLES HEMMING**, Birmingham, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sols. Southall & Nelson, Birmingham.—Pet. f. Nov. 23.

**HENRY BAYLISS**, Birmingham, draper, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sols. East & Parry, Birmingham.—Pet. f. Nov. 25.

**FREDERICK SPENCER**, Birmingham, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sols. East & Parry, Birmingham.—Pet. f. Nov. 27.

**GEORGE BARNESLEY**, Aldwark, Bradbourne, Derbyshire, out of business, Dec. 12 at 12, Derby: Off. Ass. Weller; Sol. Smith, Derby.—Pet. f. Nov. 23.

**THOMAS HAILD** (sued by the name of THOMAS HEALD), Manchester, job dyer, Dec. 21 at 11, Manchester: Off. Ass. Kay; Sol. Stiles, Manchester.—Pet. f. Nov. 21.

**JOHN PARRY**, Manchester, tailor, Dec. 16 at 12, Manchester: Off. Ass. Kay; Sol. Grundy, Manchester.—Pet. f. Nov. 21.

**JONATHAN SWEETING STOREY**, Hartlepool, Durham, blacksmith, Dec. 9 at 11, Hartlepool: Off. Ass. Child; Sol. Mason, York.

**JOHN LLOYD JONES**, Rhoollanerchrugog, Raabon, Denbighshire, machineman, Dec. 11 at 12, Ruabon: Off. Ass. Buckton; Sol. Rymer, Wrexham.—Pet. f. Nov. 25.

**FRANK HUTCHINSON**, Elton, Lancashire, grocer, Dec. 13 at 11, Bury: Off. Ass. Grundy; Sol. Watson, Bury.—Pet. f. Nov. 26.

**THOMAS GARWOOD**, Bury St. Edmunds, Suffolk, out of business, Dec. 10 at 11, Bury St. Edmunds: Off. Ass. Collins; Sol. Salmon, Bury St. Edmunds.—Pet. f. Nov. 26.

**DANIEL PAWLEY HARDY**, Grantham, Lincolnshire, milliner, Dec. 9 at 2, Grantham: Off. Ass. Winter; Sol. Wagstaffe, Grantham.—Pet. f. Nov. 26.

**THOMAS REES**, Broodmoor, St. Dogwells, Pembrokeshire, farmer, Dec. 12 at 12, Haverfordwest: Off. Ass. Summers; Sol. Parry, Haverfordwest.—Pet. f. Nov. 14.

**DAVID REES**, Pennsylvania, Rudbuxton, Pembrokeshire, farmer, Dec. 12 at 12, Haverfordwest: Off. Ass. Summers; Sol. Parry, Haverfordwest.—Pet. f. Nov. 26.

**OWEN ROBERTS**, Liverpool, cowkeeper, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.

**WILLIAM FIELDING MARSHALL**, Shipley, Yorkshire, reed maker, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.

**JOHN DUERDEN**, Blackburn, Lancashire, fish curer, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.

**THOMAS ETHERINGTON**, Kirkdale, near Liverpool, servant to a team-owner, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.

**WILLIAM LUMLEY**, Oldham, Lancashire, mechanic, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.

**JAMES TAYLOR**, Sutton, near St. Helens, Lancashire, labourer, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Rawlinson, Lancaster.—Pet. f. Nov. 13.

**THOMAS DOBSON**, Blackburn, Lancashire, plasterer, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Rawlinson, Lancaster.—Pet. f. Nov. 15.

**RICHARD HOLDEN**, Preston, Lancashire, tinsler, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Rawlinson, Lancaster.—Pet. f. Nov. 15.

**HERBERT TAYLOR**, Manchester, out of business, Dec. 13 at 2, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.

**ROBERT BELL**, Alnwick, Northumberland, fishmonger, Dec. 12 at 10, Alnwick: Off. Ass. Wilson; Sol. Smith, Alnwick.—Pet. f. Nov. 26.

**LYON BROWN**, Pembridge, Herefordshire, surveyor, Dec. 13 at 12, Kingston: Off. Ass. Temple; Sol. Stephens, Presteigne.—Pet. f. Nov. 25.

**JOHN PHILLIPS**, Llanguicke, Glamorganshire, haulier, Dec. 13 at 12, Neath: Off. Ass. Morgan; Sol. Goodere.—Pet. f. Nov. 27.

**GEORGE JOHNSON**, Northampton, shoe factor's assistant, Dec. 13 at 11, Northampton: Off. Ass. Dennis; Sol. Randa, Northampton.—Pet. f. Nov. 26.

**JOHN STILES**, Patricroft, attorney-at-law, Dec. 9 at 10, Salford: Off. Ass. Hulton; Sol. Ambler, Manchester.—Pet. f. Nov. 25.

**GEORGE HARVEY**, Leigh, Essex, plumber, Dec. 13 at 1, Rochford: Off. Ass. Swaine; Sol. Ablett, 6, Newcastle-street, Strand, London.—Pet. f. Nov. 22.

**JOHN SHORT**, Simonsbath, Exmoor, Somersetshire, travelling tea dealer, Dec. 9 at 10, South Molton: Off. Ass. Croase; Sol. Floud, Exeter.—Pet. f. Nov. 18.

**WILLIAM FINCH**, Fyfield, Essex, innkeeper, Dec. 12 at 3, Breatwood: Off. Ass. Lewis; Sol. Duffield, Chelmsford.—Pet. f. Nov. 26.

**WILLIAM WYER**, Attleborough, Norfolk, shoemaker, Dec. 12 at 3, Attleborough: Off. Ass. Francklin; Sol. Walpole, Northwold, Norfolk.—Pet. f. Nov. 26.

**EDWARD PIGNEY**, New Catton, Norwich, bricklayer, Dec. 9 at 12, Norwich: Off. Ass. Palmer; Sol. Taylor, Norwich.—Pet. f. Nov. 9.

**WILLIAM RICHARDSON**, Helgham, Norwich, shopkeeper, Dec. 9 at 12, Norwich: Off. Ass. Palmer; Sol. Sudd, jun., Norwich.

**SAMUEL WICKENS**, Tunbridge Wells, Kent, corn dealer, Dec. 6 at 2, Tunbridge Wells: Off. Ass. Alleyne.

**JOHN RILEY**, Hooton Pagnell, Yorkshire, shoemaker, Dec. 6 at 12, Doncaster: Off. Ass. Mason; Sols. Smith & Atkinson, Doncaster.—Pet. f. Nov. 22.

**JOHN ANDREWS**, Horsham, Sussex, miller, Dec. 16 at 12, Horsham: Off. Ass. Medwin; Sol. Goodman, Brighton.—Pet. f. Nov. 26.

**WILLIAM BURTON**, Halifax, Yorkshire, box maker, Dec. 20 at 10, Halifax: Off. Ass. Dyson & Rankin; Sols. Stocks & Franklin, Halifax.

**ELIZABETH LEES**, Halifax, Yorkshire, innkeeper, Dec. 20 at 10, Halifax: Off. Ass. Dyson & Rankin; Sol. Jubb, Halifax.

**ELIZABETH LEE**, Oxford, corkcutter, Dec. 11 at 10, Oxford: Off. Ass. Dudley; Sol. Thompson, Oxford.—Pet. f. Nov. 23.

**WILLIAM JOHN OLIVE**, Heathfield, Sussex, out of business, Dec. 10 at 4, Lewes: Off. Ass. Blaker; Sol. Goodman, Brighton.—Pet. f. Nov. 25.

**DANIEL BATES**, Thoroton (not Thoroton, as previously advertised), Nottinghamshire, miller, Jan. 21 at 10, Bingham: Off. Ass. Patchitt; Sol. Coope, Nottingham.—Pet. f. Nov. 25.

**WILLIAM OLIVER**, Newcastle-upon-Tyne, grocer, Dec. 12 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton; Sols. Cram & Legge, Newcastle-upon-Tyne.—Pet. f. Nov. 27.

**THOMAS CALVERT**, Exeter, professor of music, Dec. 13 at 11, Exeter: Off. Ass. Daw; Sol. Hirtzel, Exeter.—Pet. f. Nov. 26.

**JAMES ROBERTS**, Goudhurst, Kent, dealer in wood, Dec. 13 at 2, Tenterden: Off. Ass. Weller; Sol. Williams, Cranbrook.—Pet. f. Nov. 27.

**JAMES WENN**, Downham Market, Norfolk, ironmonger, Dec. 12 at 10, Downham Market: Off. Ass. Reed; Sols. Coulton & Bel's, King's Lynn.—Pet. f. Nov. 28.

**WILLIAM CURREY**, Bolton-le-Moors, Lancashire, photographic artist, Dec. 11 at 10, Bolton: Off. Ass. Holden; Sol. Edge, Bolton.—Pet. f. Nov. 27.

**FRANCIS WELLS**, widow, Chelmsford, Essex, out of business, Dec. 10 at 11, Colchester: Off. Ass. Barnes; Sol. Duffield, Chelmsford.—Pet. f. Nov. 25.

**WILLIAM COLEMAN**, Northampton, baker, Dec. 13 at 10, Northampton: Off. Ass. Dennis; Sols. Shield & White, Northampton.—Pet. f. Nov. 27.

## MEETINGS.

*Wm. Stoten*, Beckchurch-lane, St. George's-in-the-East, Middlesex, baker, Dec. 20 at 2, London, last ex.—*H. White-*

*head*, Knockholt, near Sevenoaks, Kent, licensed victualler, Jan. 10 at 11, London, last ex.—*Robert C. Macrae*, Melrose-villa, South Norwood, Surrey, merchant, Jan. 9 at 2, London, last ex.—*John Groves*, York-road, King's-cross, and Arthur-terrace, Caledonian-road, harness maker, Jan. 10 at 12, London, last ex.—*Joseph Crick*, Deeborough, Northamptonshire, miller, Jan. 10 at 2, London, last ex.—*William Lant*, Miteham, Surrey, market gardener, Jan. 16 at 11, London, last ex.—*George Hope*, Huntingdon-place, Huntingdon-street, Middlesex, out of business, Jan. 10 at 1, London, last ex.—*Jonathan Lafe*, Windsor-grove, Cooper's-road, Old Kent-road, Surrey, fancy box manufacturer, Jan. 10 at half-past 11, London, last ex.—*Harry Eves*, Piamstead, Kent, tailor, Jan. 16 at half-past 11, London, last ex.—*E. M. Vines*, Basingstoke, Southampton, cordesaler, Jan. 16 at 11, London, last ex.—*William John S. Timothy*, Culford-road North, Kingland, Middlesex, furniture salesman, Jan. 10 at half-past 11, London, last ex.—*G. Coz*, Barbican, City, optician, Jan. 2 (and not Dec. 2, as previously advertised) at half-past 12, London, last ex.—*J. Parsons*, Hugh-street, Piccadilly, Middlesex, Jan. 3 at half-past 12, London, last ex.—*James Webb*, Cross-street, Hoxton, Middlesex, cowkeeper, Jan. 3 at 2, London, last ex.—*T. Hadingham*, Crescent, Jewin-street, City, law stationer, Jan. 2 at half-past 12, London, last ex.—*George Owen*, Gloucester-buildings, Old Kent-road, Surrey, in no business, Jan. 9 at half-past 12, London, last ex.—*W. N. Wynn*, Greenwich, Kent, saw mills proprietor, Jan. 9 at half-past 1, London, last ex.—*Charles Leake*, Coningsby, Lincolnshire, draper, Jan. 9 at half-past 11, London, last ex.—*Bennett Morgan*, North-crescent, Tottenham-court-road, Middlesex, American shipping master, Dec. 23 at half-past 1, London, last ex.—*Hubert D. Radcliffe*, Brighton, Sussex, captain in her Majesty's army, Dec. 23 at 1, London, last ex.—*Henry Wm. Hunt*, Gravesend, Kent, and Spa-road, Bermondsey, Surrey, Dec. 23 at 12, London, last ex.—*George Hawker*, Hickman's Folly, Bermondsey, Surrey, Dec. 23 at 12, London, last ex.—*Mary Griffin*, Ewell, Surrey, Dec. 23 at 12, London, last ex.—*Christopher Storry*, Winchester, Southampton, mess master, Jan. 6 at 12, London, last ex.—*Henry Adams* and *William Baker*, Robert-street and Stanhope-street, Hampstead-road, Middlesex, iron bedstead makers, Jan. 6 at 12, London, last ex.—*Richard T. Fitchett* and *Edward Shaw*, Regent-street, Middlesex, tailors, Jan. 6 at 1, London, last ex.—*William Pidding*, Putney, Surrey, inventor, Jan. 6 at 12, London, last ex.—*Ercole Meattifi*, Brighton, Sussex, professor of singing, Jan. 6 at 12, London, last ex.—*John Samuel Beale*, Paddington-green, Middlesex, surgeon, Dec. 23 at 11, London, last ex.—*Wm. A. Lamprell*, Long-lane, City, carpenter, Jan. 6 at 11, London, last ex.—*Charles Wray Lewis*, Barnes, Surrey, barrister-at-law, Jan. 6 at 11, London, last ex.—*Benjamin Williamson*, Providence-street, Walworth, Surrey, general dealer, Jan. 6 at 1, London, last ex.—*Robert Ashbee*, Oxford-road, Islington, Middlesex, and Poultry, City, metal merchant, Jan. 6 at half-past 11, London, last ex.—*Theophilus Harris*, Gloucester-street, Queen-square, Bloomsbury, Middlesex, law clerk, Jan. 6 at 11, London, last ex.—*Joseph John Tyler*, Lovre-moor, Worcestershire, baker, Dec. 16 at 11, London, last ex.—*Thomas Williams*, Birmingham, surgeon, Dec. 18 at 11, Birmingham, last ex.—*James Overs Bate*, Wednesfield and Willenhall, Staffordshire, iron merchant, Dec. 16 at 11, Birmingham, last ex.—*Anthony Salt*, Tathbury, near Burton-upon-Trent, Staffordshire, butcher, Dec. 16 at 11, Birmingham, last ex.—*John Hartshorn*, Nottingham, manager of lace machines, Jan. 14 at half-past 11, Nottingham, last ex.—*Henry Goulder* the younger, Kimberley, Nottinghamshire, bricklayer, Dec. 17 at half-past 11, Nottingham, last ex.—*William Crosby*, Gosherton Risegate, Lincolnshire, brewer's assistant, Jan. 14 at half-past 11, Nottingham, last ex.—*W. Davis*, Bridgend, Glamorganshire, ironmaster, Dec. 16 at 11, Bristol, last ex.—*Edward Beatty Lookyer*, Plymouth, Devonshire, Jan. 1 at 12, Exeter, last ex.—*Alfred Coe*, Pudsey, Yorkshire, extractor, Dec. 20 at 11, Leeds, last ex.—*Hannah Hargreaves*, Armley, near Leeds, Yorkshire, dressmaker, Dec. 17 at 11, Leeds, last ex.—*William Richards Claxton*, Liverpool, auctioneer, Dec. 31 at 11, Liverpool, last ex.—*Nicholas Herbert Delamere*, Liverpool, commission agent, Dec. 13 at 1, Liverpool, app. for dia.—*Charles Whitley* and *Joseph Whitley*, Manchester, engineers, Dec. 30 at 12, Manchester, last ex.—*Joseph Hoop*, Staleybridge, Lancashire, pawnbroker, Dec. 24 at 12, Manchester, last ex.—*T.*

out of business, Dec. 16 at 12, Manchester, last ex.—*Ellis Toothill*, Manchester, printer, Dec. 16 at 12, Manchester, last ex.—*James Barlow*, Hyde, Cheshire, draper, Dec. 16 at 12, Manchester, last ex.—*Thomas Soord*, Bishopwearmouth, Durham, corn merchant, Dec. 23 at 12, Newcastle-upon-Tyne, last ex.—*Edward Theodore Floor*, Gateshead, Durham, commercial agent, Jan. 8 at 11, Newcastle-upon-Tyne, last ex.—*Hercules Ellis*, Northallerton, Yorkshire, out of business, Dec. 14 at 10, Northallerton, last ex.—*John Chadbourne*, Donington, Lincolnshire, in no business, Dec. 11 at 12, Spalding, last ex.—*Henry Davies*, Glasbury, Breconshire, tailor, Dec. 13 at 11, Hay, last ex.—*M. A. McKenzie*, Sheffield, Yorkshire, dressmaker, Jan. 2 at 12, Sheffield, last ex.—*D. Birchenall*, Sheffield, Yorkshire, dyer, Jan. 2 at 12, Sheffield, last ex.—*Stephen Wall*, Chestergate, Stockport, Cheshire, baker, Dec. 20 at 12, Stockport, last ex.—*Wm. Rufus Ellis*, Falmouth, auctioneer, Dec. 6 at 10, Falmouth, last ex.—*Joseph Lovegrove* the younger, Wolverhampton, Staffordshire, manager to a wine merchant, Dec. 18 at 9, Wolverhampton, last ex.—*James Reeves*, Willenhall, Staffordshire, licensed victualler, Dec. 19 at 9, Wolverhampton, last ex.—*John Lewis*, Wolverhampton, Staffordshire, eating-house keeper, Dec. 19 at 9, Wolverhampton, last ex.—*R. Light*, Wombridge, Shropshire, joiner, Dec. 13 at 10, Wellington, last ex.—*James Cook*, Byfleet, Surrey, out of business, Dec. 18 at 12, Chertsey, last ex.—*Samuel Tinson*, Hallaton, Leicestershire, carrier, Dec. 10 at 10, Uppingham, last ex.—*Henry Foster*, Hanley, Staffordshire, insurance agent, Dec. 11 at 12, Hanley, last ex.—*Wm. Walker*, Hanley, Staffordshire, grocer, Dec. 11 at 12, Hanley, last ex.—*Thos. Nicklin*, Burslem, Staffordshire, cabinet maker, Dec. 12 at 12, Burslem, last ex.—*Robert James Bell*, Burslem, Staffordshire, grocer, Dec. 12 at 12, Burslem, last ex.—*John Hawthorn*, Burslem, Staffordshire, builder, Dec. 12 at 12, Burslem, last ex.—*Benjamin Swift*, Cheetham, Lancashire, salesman, Dec. 12 at half-past 10, Salford, last ex.—*John Coulter*, Salford, Lancashire, boot manufacturer, Dec. 12 at half-past 10, Salford, last ex.—*Joseph Kelly*, Hulme, Lancashire, joiner, Dec. 12 at half-past 10, Salford, last ex.—*John Evans*, Hulme, Lancashire, provision dealer, Dec. 12 at half-past 10, Salford, last ex.—*James Foster Wilkinson*, Hulme, Lancashire, traveller on commission, Dec. 12 at half-past 10, Salford, last ex.—*John Forbes Hopwood*, Hulme, Lancashire, bookkeeper, Dec. 12 at half-past 10, Salford, last ex.—*Jonathan Cox*, Higher Broughton, Lancashire, commission agent, Dec. 12 at half-past 10, Salford, last ex.—*E. W. Meredith*, Hulme, Lancashire, law-stationer's assistant, Dec. 12 at half-past 10, Salford, last ex.—*John Sanderson*, Hightown, Cheetham, Lancashire, law-stationer, Dec. 12 at half-past 10, Salford, last ex.—*Matthew Bradshaw*, Salford, Lancashire, assistant to a greengrocer, Dec. 12 at half-past 10, Salford, last ex.—*William Hartley*, Hulme, Lancashire, labourer, Dec. 12 at half-past 10, Salford, last ex.—*T. Jones Hilditch*, Salford, Lancashire, in no business, Dec. 12 at half-past 10, Salford, last ex.—*Samuel Richards*, St. Ives, Cornwall, cooper, Dec. 17 at 11, Penzance, last ex.—*John Nines*, St. Ives, Cornwall, plumber, Dec. 17 at 11, Penzance, last ex.—*Daniel Charles Browne*, Liverpool, publisher of music, Dec. 3 at 10, Birkenhead, last ex.—*Robert Wagstaffe*, Hyde, Cheshire, smith, Dec. 18 at 12, Hyde, last ex.—*James Munday*, Halifax, Yorkshire, excavator, Dec. 20 at 10, Halifax, last ex.—*Edward Spencer*, Halifax, Yorkshire, police constable, Dec. 20 at 10, Halifax, last ex.—*C. J. Joeland*, Exeter, printer, Dec. 31 at 11, Exeter, last ex.—*R. Clegg*, Freetown, Bury, Lancashire, tea dealer, Dec. 18 at 11, Bury, last ex.—*W. Barnes*, Newton, Lancashire, provision dealer, Dec. 12 at 10, Warrington, last ex.—*William Babington*, Lower Walton, Lancashire, provision dealer, Dec. 12 at 10, Warrington, last ex.—*L. Woldemar Kretschmar*, Duke-st., Bloomsbury, Middlesex, manufacturing jeweller, Dec. 10 at 1, London, last ex.—*William Hart* and *John Hart*, Framlingham and Dennington, Suffolk, drapers, Dec. 10 at 12, London, last ex.—*Edwin Botting*, Brighton, Sussex, grocer, Dec. 13 at 12, London, last ex.—*Charles Webb*, Drury-lane, and Chrisp-street, Poplar, Middlesex, general salesman, Dec. 11 at 11, London, last ex.—*Jos. Siddall*, Wath-upon-Deane, Yorkshire, auctioneer, Dec. 21 at 11, Sheffield, last ex.—*Walter Roberts*, East Stonehouse, Devonshire, builder, Dec. 12 at half-past 12, Plymouth, aud. ac.—

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Thomas Kibby*, Honiton, Devonshire, baker, Dec. 31 at 12, Exeter.—*Wm. Clayton*, *Joseph Wilkinson Clayton*, and *Christopher Billington*, Manningham, Yorkshire, contractors, Jan. 14 at 11, Leeds.

To be granted, unless an Appeal be duly entered.

*William Green*, Bear-lane, Blackfriars-road, Surrey, carman.—*Stephen Bacon*, Northampton-place, Old Kent-road, Surrey, corn merchant.—*J. Mantua*, Luton, Bedfordshire, jeweller.—*James Randall*, Byfleet, near Cobham, Surrey, victualler.—*Thos. Prince*, Beckford-row, Walworth-road, Surrey, dealer in fancy goods.—*Wm. McCherry* and *Wm. McNeill*, Adelaide-place, London-bridge, City, provision agents.—*Henry Parkin*, Plymouth, Devonshire, tea dealer.—*George Milne*, Plymouth, Devonshire, draper.—*William Thorn*, Lyme Regis, Dorsetshire, innkeeper.—*Mourat Theflidi*, Manchester, merchant.—*Geo. Henry Ogden*, Bangor, Carnarvonshire, toy dealer.—*William Terry*, Birmingham, plater.—*John Essex*, Coventry, Warwickshire, watch manufacturer.

#### PETITIONS ANNULLED.

*Charles Green*, Brighton, Sussex, gasfitter.—*Edmund Goddard*, London-wall, Old Jewry, Fenchurch-street, and Aldgate, City, provision dealer.

#### TUESDAY, Dec. 3.

##### BANKRUPTS.

**GEORGE BUTCHER** and **SYDNEY JAMES BUTCHER**, York road, King's-cross, and Great Northern Railway Station, Middlesex, and Skinner-street, Snow-hill, City, coal merchants (trading under the style or firm of Butcher & Son), Dec. 16 at 11, and Jan. 15 at 12, London: Off. As. Pennell; Sol. Keene, 77, Lower Thames-street, London.—Pet. f. July 29.

**WILLIAM STUBINGTON**, Winchester, Hampshire, carpenter, Dec. 16 at 12, London: Off. As. Bell; Sol. Mackey, Southampton; Paterson & Son, Bouverie-street.—Pet. f. Nov. 27.

**JOSEPH ARCHER**, South Shoebury, Essex, out of business, Dec. 18 at 1, London: Off. As. Bell; Sol. Preston, 15, Broad-street-buildings.—Pet. f. Dec. 1.

The Rev. **JOHN GROOMES**, Stratford, Essex, clerk, Dec. 11 at 11, London: Off. As. Bell; Sol. Digby & Son, Chancery-lane, London, and Maldon, Essex.—Pet. f. Nov. 29.

**WILLIAM HOWE SMITH** and **MILES BOWEN SMITH**, King-street, Cheap-side, City, general merchants, Dec. 18 at half-past 12, London: Off. As. Bell; Sol. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Nov. 29.

**CHARLES BEARDSHAW**, Sherborne-lane, King William-street, City, licensed victualler, Dec. 18 at half-past 11, London: Off. As. Johnson; Sol. Dean, 27, New Bond-st.—Pet. f. Nov. 30.

**SAMUEL GRANGER**, Murray-street, Hoxton, Middlesex, baker, Dec. 18 at 12, London: Off. As. Johnson; Sol. Harrison & Lewis, Old Jewry.—Pet. f. Nov. 6.

**SAMUEL YOUNGMAN**, Albert-villas, Eleanor-road, Hackney, Middlesex, timber merchant, Dec. 18 at 11, London: Off. As. Johnson; Sol. Angell, 23, King-street, Guildhall.—Pet. f. Nov. 29.

**CHARLES VANDRANT**, Stratford, Essex, stationer, Dec. 18 at half-past 11, London: Off. As. Johnson; Sol. Sydney & Son, Finsbury-circus.—Pet. f. Nov. 29.

**ROBERT GOTOBED**, Park-place, Lock's-fields, Walworth, Surrey, baker, Dec. 13 at 10, London: Off. As. Pennell; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Dec. 2.

**RUDOLPH HIRSCHFELD**, Clifton-street, Finsbury, Middlesex, printer, Dec. 16 at 10, London: Off. As. Pennell; Sol. Preston, 15, Broad-street-buildings.—Pet. f. Nov. 29.

**JAMES GRAYSON**, Southampton-row, Bloomsbury, Middlesex, out of business (a prisoner in Whitecross-street Prison), Dec. 18 at 11, London: Off. As. Johnson.—Pet. f. Nov. 30.



**FREDERICK GOLDING**, Bermondsey-square, Bermondsey, Surrey, out of business, Dec. 13 at 10, London: Off. Ass. Pennell; Sols. Roscoe & Hincks, 14, King-street, Finsbury-square.—Pet. f. Nov. 29.

**JOHN WOOD**, Woolsey-road, Islington, Middlesex, haberdasher, Dec. 16 at 10, London: Off. Ass. Pennell; Sols. Mason & Co., 7, Gresham-street.—Pet. f. Nov. 27.

**ROBERT BRAGG**, Trafalgar-street, Walworth, Surrey, builder, Dec. 16 at 10, London: Off. Ass. Pennell; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. Nov. 27.

**JOHN FLINTOFF**, Cannon-street-road, St. George's-in-the-East, Middlesex, grocer, Dec. 13 at 10, London: Off. Ass. Pennell; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. Nov. 29.

**HENRY CAMPIN WILSON** (known as HENRY WILSON), Southtown, Gorleston, Suffolk, corn factor, Dec. 13 at 10, London: Off. Ass. Pennell; Sols. Nicola & Clarke, 9, Cook's-court, Lincoln's-inn, London.—Pet. f. Nov. 29.

**ALFRED WINSOM**, Kimbolton, Huntingdonshire, grocer, Dec. 19 at half-past 2, London: Off. Ass. Graham; Sols. Conquest, Bedford; Marten & Co., Mincing-lane, London.—Pet. f. Nov. 29.

**GEORGE MILLS**, Radnor-street, Chelsea, Middlesex, cab proprietor, Dec. 21 at half-past 12, London: Off. Ass. Graham; Sol. Newman, 27, Walbrook.—Pet. f. Nov. 30.

**EDMUND AUGUSTUS HATHERLY**, Southampton, tailor, Dec. 24 at 11, London: Off. Ass. Graham; Sols. Mackey, Southampton; Paterson & Son, 7, Bouverie-st., London.—Pet. f. Nov. 29.

**GEORGE HAYWARD**, Goudhurst, Kent, farmer, Dec. 21 at 12, London: Off. Ass. Stansfeld; Sol. Crafter, 81, Blackfriars-road, London.—Pet. f. Nov. 28.

**JOHN THOMAS HALL**, Holywell-lane, St. Leonard's, Shoreditch, Middlesex, general dealer, Dec. 21 at 1, London: Off. Ass. Stansfeld; Sol. Peverley, 19, Coleman-street, London.—Pet. f. Nov. 30.

**JOHN JACKSON**, Romsey, Southampton, ironmonger, Dec. 21 at half-past 11, London: Off. Ass. Stansfeld; Sols. Wallinger & Miller, 5 and 6, Sherborne-lane, London; Foster, Birmingham.—Pet. f. Nov. 22.

**MATTHEW LEACH**, Wisbeach St. Peter, Cambridgeshire; New London-street, London; and Compton-terrace, Islington, Middlesex, wine merchant, Dec. 21 at half-past 10, London: Off. Ass. Stansfeld; Sols. Watson & Son, Wisbeach; Abbott & Co., 8, New-inn, Strand, London.—Pet. f. Nov. 29.

**GEORGE HEATHCOTT**, Fitzroy-terrace, Haverstock-hill, Middlesex, builder, Dec. 19 at 12, London: Off. Ass. Stansfeld.—Pet. f. Nov. 21.

**ALBERT WILKINS**, Borough-road, Southwark, Surrey, architect, Dec. 24 at 3, London: Off. Ass. Edwards; Sol. Smith, 60, Moorgate-street.—Pet. f. Nov. 29.

**KAUFMAN KAUFMAN**, Cannon-street-road, St. George's-in-the-East, Middlesex, slipper manufacturer, Dec. 24 at 10, London: Off. Ass. Edwards; Sol. Abbott, 1, St. Mark-st., Great Prescott-street, London.—Pet. f. Nov. 30.

**THOMAS HINSON REE**, New Henry-street, Limehouse, Middlesex, coal weigher, Dec. 17 at 1, London: Off. Ass. Edwards; Sol. Chorley, 48A, Moorgate-street.—Pet. f. Nov. 30.

**EDWARD CHARLES FRAGAM**, Bicester, Oxfordshire, attorney, Dec. 24 at 3, London: Off. Ass. Edwards; Sols. Surr & Gribble, 12, Abchurch-lane, City.—Pet. f. Nov. 29.

**JOSEPH WEBB**, Emneth, Norfolk (a prisoner in Norwich Gaol, Dec. 24 at 10, London: Off. Ass. Edwards).

**WILLIAM WARD**, Birmingham, cab proprietor, Dec. 16 at half-past 11, Birmingham: Off. Ass. Kinnear; Sols. Allcock & Millward, and Hodgson & Allen, Birmingham.—Pet. f. Nov. 28.

**WILLIAM BAGGOTT**, Bromyard, Herefordshire, innkeeper, Dec. 20 at 11, Birmingham: Off. Ass. Kinnear; Sols. Badham, Bromyard; James & Knight, Birmingham.—Pet. f. Nov. 21.

**WILLIAM TREVOR**, Birmingham, baker, Dec. 16 at half-past 11, Birmingham: Off. Ass. Kinnear; Sols. East & Parry, Birmingham.—Pet. f. Nov. 29.

**JOHN BANNISTER**, Liverpool, Dec. 17 at 11, Nottingham: Off. Ass. Harris.

**JOHN JOSIAH GARRAWAY**, Batheaston, Somersetshire, baker, Dec. 16 at 12, Bristol: Off. Ass. Acraman; Sol. Wilton, Bath.—Pet. f. Nov. 28.

**JOSEPH BRIDGEN**, Wolverhampton, Staffordshire, stationer, Dec. 20 at 11, Birmingham: Off. Ass. Whitmore; Sols. Underhill, Wolverhampton; James & Knight, Birmingham.—Pet. f. Nov. 28.

**WILLIAM PARKES**, Bromsgrove, Worcestershire, farmer, Dec. 20 at 11, Birmingham: Off. Ass. Whitmore; Sols. Bentley, Worcester; Hodgson & Allen, Birmingham.—Pet. f. Nov. 28.

**JAMES PARRISH**, Crowland, Lincolnshire, basket maker, Dec. 19 at 11, Nottingham: Off. Ass. Harris; Sols. Deacon, Peterborough; James & Knight, Birmingham.—Pet. f. Nov. 30.

**WILLIAM WHITELOW**, Briton Ferry, Glamorganshire, grocer, Dec. 17 at 12, Bristol: Off. Ass. Acraman; Sols. Cuthbertson, Neath; Bevan & Co., Bristol.—Pet. f. Nov. 30.

**JOHN CUNNINGHAM**, Stowey, near Pensford, Somersetshire, horse dealer, Dec. 17 at 11, Bristol: Off. Ass. Miller; Sols. Clifton & Benson, Bristol.—Pet. f. Nov. 23.

**HENRY SANDERSON**, York, timber merchant, Dec. 16 at 11, Leeds: Off. Ass. Carrick; Sols. Anderson, York; Bond & Barwick, Leeds.—Pet. f. Nov. 29.

**WALLACE DRURY**, Kingston-upon-Hull, merchant, Dec. 18 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Preston & Garrett, Hull.—Pet. f. Nov. 30.

**SARAH ANN MIDDLETON**, New Holland, Lincolnshire, licensed victualler, Dec. 18 at 12, Kingston-upon-Hull: Off. Ass. Carrick.

**JOHN NICOL**, Kingston-upon-Hull, coal merchant, Dec. 18 at 12, Kingston-upon-Hull: Off. Ass. Carrick.

**HUGH HUMPHREYS**, Hendy Town, Merionethshire, merchant, Dec. 9 at half-past 12, Liverpool: Off. Ass. Turner.

**THOMAS CORKHILL**, Liverpool, cabinet maker, Dec. 16 at 11, Liverpool: Off. Ass. Turner; Sols. Anderson & Collins, Liverpool.—Pet. f. Nov. 30.

**HENRY DOBSON**, Bolton, Lancashire, out of business, Dec. 17 at 11, Manchester: Off. Ass. Pott; Sols. Richardson & Hinnell, Bolton.—Pet. f. Nov. 29.

**CHARLES HENRY SMITH**, Barton-upon-Irwell, near Manchester, commission agent, Dec. 17 at 1, Manchester: Off. Ass. Pott; Sol. Gardner, Manchester.—Pet. f. Nov. 19.

**LOUIS SIDEMAN**, Manchester, cap manufacturer, Dec. 19 at 11, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. Nov. 22.

**GEORGE WILLIAM FLETCHER**, Ratcliffe-bridge, Lancashire, cotton manufacturer, and Manchester, salesman, Dec. 14 at 11, Manchester: Off. Ass. Hernaman; Sols. Foster & Co., Manchester.—Pet. f. Nov. 30.

**NICHOLAS HEYES**, Bolton-le-Moors, Lancashire, brewer, Dec. 13 at 12, Manchester: Off. Ass. Hernaman; Sols. Edge, Bolton; Smith & Boyer, Manchester.—Pet. f. Nov. 28.

**JAMES WORRALL**, Congleton, Cheshire, joiner, Dec. 14 at 10, Congleton: Off. Ass. Latham; Sol. Cooper, Congleton.—Pet. f. Nov. 28.

**GEORGE HENRY USHER**, Carlisle, photographic artist, Dec. 16 at 11, Keswick: Off. Ass. Bloatch.

**ROBERT SQUIRES**, Brierley-hill, Staffordshire, licensed victualler, Dec. 19 at 10, Stourbridge: Off. Ass. Harward; Sols. East & Parry, Birmingham.—Pet. f. Nov. 28.

**GEORGE BROWN**, Wigan, Lancashire, tailor, Dec. 18 at 2, Wigan: Off. Ass. Part; Sol. France, Wigan.—Pet. f. Nov. 29.

**STEPHEN HOSKIN**, Plymouth, Devonshire, boot maker, Dec. 13 at 11, East Stonehouse: Off. Ass. Pearce; Sol. Fowler, Plymouth.—Pet. f. Nov. 29.

**CHARLES FREDERIC WILLIAM CROWTHER**, Canterbury, Kent, clerk to a railway contractor, Dec. 9 at 4, Canterbury: Off. Ass. Callaway; Sol. Fielding, Canterbury.—Pet. f. Nov. 20.

**JOSEPH BASFORD**, Birmingham, marine store dealer, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sols. East & Parry, Birmingham.—Pet. f. Nov. 29.

**WILLIAM RUSSELL**, Portsmouth, Hampshire, grocer, Dec. 14 at 12, Portsmouth: Off. Ass. the registrar; Sol. Stening, Portsea.—Pet. f. Nov. 28.

**ABRAHAM ALLEN**, Rusthall, Speldhurst, Kent, bricklayer, Dec. 13 at 12, Tunbridge Wells: Off. Ass. Alleyne; Sol. Cripps, Tunbridge Wells.—Pet. f. Nov. 29.

GEORGE RUSSELL, Tunbridge Wells, Kent, lodging-house keeper, Dec. 13 at 12, Tunbridge Wells: Off. Ass. Alleyne; Sol. Cripps, Tunbridge Wells.—Pet. f. Nov. 29.

ROBERT HIGGINBOTHAM, Sheffield, steel melter, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Nov. 26.

WILLIAM DAVENPORT, Leamington Priors, Warwickshire, car driver, Dec. 16 at 10, Warwick: Off. Ass. Tibbits; Sol. Sherwood, Leamington Priors.—Pet. f. Nov. 26.

EDWARD COLLIS, Bristol, accountant, Dec. 20 at 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Salmon, Bristol.—Pet. f. Nov. 28.

WILLIAM STANLEY, Hulme, Lancashire, baker, Dec. 14 at half-past 10, Salford: Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Nov. 22.

SAMUEL LOMAS, Moss Side, Stretford, canvasser for subscriptions to a hospital, Dec. 14 at 10, Salford: Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Nov. 28.

THOMAS LOMAS, Moss Side, Stretford, in no business, Dec. 14 at 11, Salford: Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Nov. 28.

PETER SUNDERLAND THWAITE, Hulme, Lancashire, grocer's assistant, Dec. 14 at half-past 11, Salford: Off. Ass. Hulton; Sol. Bent, Manchester.—Pet. f. Nov. 29.

WILLIAM HARRISON HARLEY, Todmorden, Lancashire, confectioner, Dec. 14 at 10, Todmorden: Off. Ass. Eastwood; Sol. Blomley.—Pet. f. Nov. 28.

ROBERT METCALF, Middlesbrough, Yorkshire, beer-house keeper, Dec. 13 at 1, Stockton: Off. Ass. Crosby; Sol. Clemmet, Stockton.—Pet. f. Nov. 26.

THOMAS FRENCH, Gorleston, Suffolk, shopkeeper, Dec. 16 at 12, Great Yarmouth: Off. Ass. Palmer; Sol. Sudd, jun., Norwich.

THOMAS PHILLIPS, Chester, brewer, Dec. 20 at 2, Chester Castle: Off. Ass. Wason; Sol. Cartwright, Chester.—Pet. f. Nov. 28.

MYERS JACKSON, North Shields, Northumberland, travelling glazier, Dec. 20 at 2, North Shields: Off. Ass. Ingledew; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Nov. 27.

JOSIAH WHEATLEY, Camboise, Bidlington, Northumberland, mariner, Dec. 14 at 2, Morpeth: Off. Ass. Brumell; Sol. Adamson, North Shields.—Pet. f. Nov. 29.

EDWARD PADBURY, Minster Lovell, Oxfordshire, tailor, Dec. 16 at 1, Witney: Off. Ass. Bishop; Sol. Thompson, Oxford.—Pet. f. Nov. 28.

RICHARD BAILEY, Hastings, Sussex, tailor, Dec. 16 at 11, Hastings: Off. Ass. Young; Sol. Meadows, Hastings.—Pet. f. Nov. 27.

WILLIAM GOYMOUR, Bradfield St. Clare, Suffolk, farmer, Dec. 10 at 12, Bury St. Edmunds: Off. Ass. Collins; Sol. Walpole, Buryton, near Bury St. Edmunds.—Pet. f. Nov. 28.

JOSEPH WILE, Stafford, gunsmith, Dec. 13 at 11, Stafford: Off. Ass. Spilsbury; Sol. Bowen, Stafford.—Pet. f. Nov. 27.

PETER THORNHILL, Stone, Staffordshire, dealer in coal, Dec. 13 at 3, Stone: Off. Ass. Middleton; Sol. Bowen, Stafford.—Pet. f. Nov. 28.

HENRY STUBBS, Winchester, Hampshire, mealman, Dec. 16 at 11, Winchester: Off. Ass. Godwin; Sol. Hollis, Winchester.—Pet. f. Nov. 29.

JOHN WILLIAM RICHARDSON, Drypool and Wincullee, Kingston-upon-Hull, painter, Dec. 12 at 12, Hull: Off. Ass. Phillips; Sols. Eaton & Bellby, Hull.—Pet. f. Nov. 28.

WILLIAM BEARDSALL, Nottingham, painter, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Heath, Nottingham.—Pet. f. Dec. 2.

## MEETINGS.

*James Anderson*, Church-street, Hackney, Middlesex, oilman, Jan. 17 at half-past 11, London, last ex.—*Thomas Rutherford Dickinson*, Falcon-lane, Battersea, Surrey, clerk in holy orders, Jan. 16 at 12, London, last ex.—*John Howe*, Brentwood, Essex, butcher, Jan. 17 at 11, London, last ex.—*John Overhage*, Sherrard-street, Golden-square, Middlesex, general dealer, Jan. 17 at 11, London, last ex.—*Joseph Hall*, High-street, Battersea, Surrey, colour grinder, Jan. 16 at half-past 12, London, last ex.—*Henry Robert Wilcock*, Postern-row, Tower-hill, Middlesex, tobacconist, Jan. 16 at half-past 1, London, last ex.—*Edward Richards*, Adam-street, Adelphi, Middlesex, commission agent, Jan. 16 at 12, London, last ex.—*James Edwards Prior*, Eden-place, Old

Kent-road, Surrey, out of business, Jan. 16 at 11, London, last ex.—*George Rochester*, Calthorpe-place, Gray's-inn-road, Middlesex, wholesale draper, Dec. 27 at 2, London, last ex.—*John Henry Welchman*, Upper Stamford-street, Surrey, Dec. 27 at 1, London, last ex.—*Charles Conderly*, Upper King-street, Bloomsbury, Middlesex, licensed victualler, Dec. 27 at 2, London, last ex.—*James Soraggi*, Watford, Hertfordshire, draper, Dec. 27 at 12, London, last ex.—*Philip Bastard Peck*, Drummond-street, St. Pancras, Middlesex, commercial traveller, Dec. 27 at 12, London, last ex.—*James Moss Sperling*, Wandsworth, and Wertenburg-street, Surrey, no occupation, Dec. 27 at half-past 1, London, last ex.—*Arthur Hamford*, Coal-yard, Bloomsbury, Middlesex, Dec. 27 at 11, London, last ex.—*William Hooper Wickett*, Leman-street, Goodman's-fields, Whitechapel, Middlesex, baker, Dec. 27 at half-past 3, London, last ex.—*Charles Roe*, Roydon, Essex, schoolmaster, Dec. 27 at 1, London, last ex.—*George Richards*, Green-lattice, Billingsgate-market, City, and Skinner-street, Euston-road, Middlesex, fish salesman, Dec. 27 at half-past 12, London, last ex.—*Archer Wüthey*, Church-lane, Whitechapel, Middlesex, coach trimmer, Dec. 27 at half-past 11, London, last ex.—*George Allen*, Brook-street, Kennington-road, Surrey, out of business, Dec. 27 at 11, London, last ex.—*John Turner*, Westbourne-gardens, Baywater, Middlesex, hotel keeper, Dec. 27 at half-past 11, London, last ex.—*Isaac Fish*, Rutland-street, South Lambeth, Surrey, clerk in the Parliamentary Council Office, Jan. 6 at 2, London, last ex.—*William George Bartlett Harbord*, Tooley-street, Southwark, Surrey, ship chandler, Jan. 6 at 2, London, last ex.—*John M. Jones*, Missionary-place, Walworth, Surrey, commission agent, Jan. 7 at 3, London, last ex.—*James George Pichering*, Ridley-road, Dalston, Middlesex, gentleman, Jan. 7 at 1, London, last ex.—*Solomon Davis*, St. George's-street, St. George-in-the-East, Middlesex, corn dealer, Jan. 7 at 2, London, last ex.—*Joseph S. Boatwood* and *Thomas Boatwood*, Luton, Bedfordshire, straw-hat manufacturers, Jan. 1 at 3, London, last ex.—*Francis Harris*, Upper Bryanston-street, Bryanston-square, Middlesex, saddler, Jan. 13 at 2, London, last ex.—*William F. Smith*, Coventry-street, Haymarket, Middlesex, hostler, Jan. 7 at 12, London, last ex.—*John Mann*, Church-row, Stepney, Middlesex, general provision dealer, Jan. 14 at 1, London, last ex.—*Charles W. Townley*, Paul-st., Finsbury, Middlesex, funeral contractor, Jan. 13 at 12, London, last ex.—*Isaac Woodard*, Richmond, Surrey, licensed victualler, Jan. 13 at 11, London, last ex.—*Herbert H. Williams*, Upper Norwood, Surrey, clerk in holy orders, Jan. 14 at 12, London, last ex.—*Richard Brinsley Sheridan* the younger, New Bond-street, Middlesex, gentleman, Jan. 13 at 11, London, last ex.—*George Clark*, Cambridge-circus, Hackney-road, Middlesex, cabinet maker, Jan. 13 at 12, London, last ex.—*John Arthur Elstob*, North-row, Park-lane, Middlesex, clerk to a land agent, Jan. 13 at 1, London, last ex.—*William Watkins*, Maldon-terrace, Newberry-terrace, Kentish-town, Middlesex, plumber, Jan. 14 at 2, London, last ex.—*J. Denny* the younger, South Wold, Essex, pig dealer, Dec. 31 at half-past 1, London, last ex.—*William Arntstead*, Deptford, Kent, butcher, Dec. 31 at 2, London, last ex.—*Nicholas G. Wade*, Pall-mall, Middlesex, house agent, Dec. 31 at 1, London, last ex.—*Etha Bridges*, Bury St. Edmunds, Suffolk, coach builder, Dec. 31 at 3, London, last ex.—*Thomas G. Rider*, Albion-place, Camberwell New-road, Surrey, leather merchant, Dec. 31 at half-past 11, London, last ex.—*Henry John Barker*, St. Alban's place, Haymarket, Middlesex, in no trade, Dec. 31 at 12, London, last ex.—*William Higgins*, St. George's-mews, Regent's-park-road, Middlesex, horse dealer, Dec. 31 at half-past 2, London, last ex.—*Leopold P. Thomas*, St. George's-terrace, Kilburn, Middlesex, gentleman, Dec. 31 at half-past 12, London, last ex.—*Ann Petherick*, Stangate, Lambeth, Surrey, Dec. 26 at half-past 11, London, last ex.—*Jacob H. Miles*, Norwich, draper, Dec. 26 at half-past 11, London, last ex.—*Robert Heathcote*, Bell-yard, Temple-bar, Middlesex, licensed victualler, Dec. 26 at 12, London, last ex.—*Henry Heare*, Thrapstone, Northamptonshire, fishmonger, Dec. 26 at half-past 11, London, last ex.—*Francis Ambrose Buckley*, Theobald's-road, Bedford-row, Middlesex, tobacconist, Dec. 24 at half-past 12, London, last ex.—*Theo. Goldsby*, Grove-mews, Great James-street, Lisson-grove, Marylebone, Middlesex, wheelwright, Dec. 24 at half-past 1, London, last ex.—*Michael Duffy*, Wapping-wall, Shadwell, Middlesex, beer-

house keeper, Dec. 26 at 12, London, last ex.—*James Porter Webster*, Clarence-villas, Clarence-road, Clapton, Middlesex, and Queen-street, Cheapside, City, African merchant, Dec. 31 at 2, London, last ex.—*Constantine Moore*, London-road, Southwark, Surrey, butcher, Dec. 26 at 11, London, last ex.—*John Holmes*, Lamb's Conduit-street, Holborn, Middlesex, china dealer, Dec. 26 at 2, London, last ex.—*Wm. Winniett*, Chapel-place, Cavendish-square, Middlesex, captain in the 2nd battalion of her Majesty's 24th Regiment of Foot, Dec. 26 at half-past 12, London, last ex.—*Charles Williams*, Hall-place, Kennington-lane, Surrey, licensed victualler, Dec. 31 at half-past 12, London, last ex.—*James White*, Dunstable, Bedfordshire, builder, Dec. 24 at 12, London, last ex.—*Frederick Vickery*, Great Marylebone-street, Middlesex, glass dealer, Dec. 24 at 11, London, last ex.—*John Benton*, Church-road, Homerton, Middlesex, electioneering agent, Dec. 24 at 1, London, last ex.—*Thomas Henry Smith*, Westminster-bridge-road, Lambeth, Surrey, bookseller, Dec. 24 at 11, London, last ex.—*Franz Sponheimer*, New-street, Lion-street, New Kent-road, Surrey, baker, Dec. 26 at 1, London, last ex.—*John Kendall*, Grange-road, Old Kent-road, Surrey, commission agent, Dec. 31 at 1, London, last ex.—*Henry Hedger*, Rotherfield-street, New North-road, Islington, Middlesex, haberdasher, Dec. 31 at half-past 12, London, last ex.—*William C. Taylor*, Portland-place, New North-road, Islington, Middlesex, harness maker, Dec. 24 at 1, London, last ex.—*William Corrie*, Old Broad-street, City, commission agent, Dec. 31 at 12, London, last ex.—*John J. Houghton*, Lever-street, St. Luke's, Middlesex, tool manufacturer, Dec. 31 at half-past 1, London, last ex.—*Henry Shalders*, Queen Margaret-grove, Stoke Newington-green, Middlesex, auctioneer, Dec. 31 at 12, London, last ex.—*Charles Bakewell* and *Henry Bakewell*, Rutland-street, Pearson-st., King'sland-road, Middlesex, hatters, Dec. 31 at half-past 11, London, last ex.—*Jane Pinnell*, widow, Redcross-square, London, silversmith, Dec. 26 at half-past 1, London, last ex.—*Henry Nodas*, Robert-street, Chelsea, Middlesex, undertaker, Dec. 31 at 11, London, last ex.—*Alex. Cohen*, New-street, Gravel-lane, Houndsditch, City, marine store dealer, Dec. 26 at 11, London, last ex.—*George E. Moore*, Southampton-street, Camberwell, Surrey, builder, Dec. 31 at 1, London, last ex.—*Thomas Foulkes*, Vassal-road, Brixton, Surrey, cab-proprietor, Dec. 24 at half-past 11, London, last ex.—*A. Graengrass*, Drake-street, Red Lion-square, Middlesex, not in any business, Dec. 26 at 1, London, last ex.—*Wm. Dorchester*, Salisbury, Wiltshire, china warehouseman, Dec. 24 at half-past 1, London, last ex.—*Robert Bowman*, Abergavenny and Pontypool, Monmouthshire, coal merchant, Dec. 31 at 11, Bristol, last ex.—*James Wildes*, Charles-street, Goswell-road, Middlesex, out of business, Dec. 31 at 1, Bristol, last ex.—*Wm. Hamer*, Great Grimsby, Lincolnshire, hosier, Jan. 8 at 12, Kingston-upon-Hull, last ex.—*J. G. Rice*, Liverpool, merchant, Dec. 31 at 11, Liverpool, last ex.—*T. Brogden*, Blackpool, Lancashire, linen-draper, Dec. 31 at 12, Liverpool, last ex.—*James H. Beatty*, Birkenhead, Cheshire, builder, Dec. 31 at half-past 12, Liverpool, last ex.—*James Woolley*, Chester, publican, Dec. 31 at 1, Liverpool, last ex.—*Gustave Speiser*, Liverpool, hotel keeper, Dec. 22 at 11, Liverpool, last ex.—*Annie Maria Burton*, Liverpool, outfitter, Dec. 20 at 1, Liverpool, last ex.—*Stephen Tatham*, Heywood, Lancashire, machine maker, Jan. 10 at 12, Manchester, last ex.—*John Stanyer*, Manchester, beer retailer, Dec. 19 at 12, Manchester, last ex.—*Wm. Quarmby*, Ashton-under-Lyne, Lancashire, bookseller, Dec. 17 at 12, Manchester, last ex.—*G. Baldry*, Chesterton, Cambridgeshire, farmer, Dec. 10 at 12, Cambridge, last ex.—*Richard Webber*, Harwich, Essex, baker, Dec. 13 at 12, Harwich, last ex.—*Joseph Hoskins*, Bristol, clerk, Dec. 17 at 10, Bristol, last ex.—*Thomas Taylor*, Bristol, dealer in grease, Dec. 17 at 10, Bristol, last ex.—*Wm. Thos. Davis*, Bristol, undertaker, Dec. 17 at 10, Bristol, last ex.—*M. A. Darbyshire*, Liverpool, lodging-house keeper, Jan. 8 at half-past 10, Liverpool, last ex.—*Jos. Schofield*, Oak, Hollins, Lancashire, farmer, Dec. 13 at 12, Oldham, last ex.—*Wm. Thos. Hearn*, Netley, Hampshire, licensed victualler, Dec. 16 at 11, Southampton, last ex.—*George Purkis*, Warwick, assistant to a licensed victualler, Jan. 24 at 10, Warwick, last ex.—*Elizabeth Bellamy*, Leamington Priors, Warwickshire, fishmonger, Jan. 24 at 10, Warwick, last ex.—*Thos. Churcher*, North Stoneham, Hampshire, publican, Dec. 16 at 11, Southampton, last ex.—*John Lancelot Nicholson*,

Sandown, Isle of Wight; grocer, Dec. 18 at 10, Newport, last ex.—*William Cooper*, Binstead, Isle of Wight, builder, Dec. 18 at 10, Newport, last ex.—*James Oldman Urah*, Canton, Llandaff, Glamorganshire, beer-house keeper, Dec. 20 at 10, Cardiff, last ex.—*Enoch Hollinshead*, Canton, Llandaff, Glamorganshire, fancy potter, Dec. 20 at 10, Cardiff, last ex.—*Enoch Lovatt*, Pensnett, Kingwinford, Staffordshire, auctioneer, Dec. 18 at 10, Stourbridge, last ex.—*Lewis Low Whittle*, Bolton, Lancashire, cheese-factor, Dec. 20 at 1, Bolton, last ex.—*James Noden*, Leominster, Herefordshire, builder, Dec. 19 at 10, Leominster, last ex.—*Edwin Partridge*, Redditch, Worcestershire, needle finisher, Dec. 17 at 11, Redditch, last ex.—*Richard Hawtin*, Redditch, Worcestershire, needle finisher, Dec. 17 at 11, Redditch, last ex.—*George Elgar*, Maidstone, Kent, surgeon, Dec. 17 at 11, Maidstone, last ex.—*Henry Bates*, West Bromwich, Staffordshire, retailer of beer, Dec. 21 at 10, Oldbury, last ex.—*John Egginton*, West Bromwich, Staffordshire, fruiterer, Dec. 21 at 10, Oldbury, last ex.—*Joseph Holloway*, West Bromwich, Staffordshire, greengrocer, Dec. 21 at 10, Oldbury, last ex.—*Alexander Smith*, Sandgate, Kent, grocer, Dec. 18 at 10, Folkestone, last ex.—*W. Jessup*, Ryarsh, Kent, blacksmith, Dec. 17 at 11, Maidstone, last ex.—*Thos. Lawrence*, Halifax, Yorkshire, fishmonger, Dec. 20 at 10, Halifax, last ex.—*Matthew Graham*, Cockermouth, Cumberland, plasterer, Dec. 18 at 10, Cockermouth, last ex.—*Frederick Sanderson*, Dublin, Ireland, and Tottenham-st., Fitzroy-square, Middlesex, coach maker, Dec. 18 at 1, London, last ex.—*James Rothwell*, Ridge-mill, Ramsbottom, Lancashire, manufacturer, Dec. 18 at 12, Manchester, last ex.—*Wm. Jas. Epps*, Maidstone, Kent, hotel keeper, Dec. 17 at 11, London, and ac.—*Samuel Hornwell*, Padstow, Cornwall, draper, Dec. 18 at 12, Exeter, and ac.; Dec. 27 at 12, div.—*Thomas Ferris*, Ashburton, Devonshire, tailor, Dec. 18 at 12, Exeter, and ac.; Dec. 27 at 12, div.—*Wm. Thorn*, Lyme Regis, Dorsetshire, innkeeper, Dec. 18 at 12, Exeter, and ac.; Dec. 27 at 12, div.—*John Box* and *Henry John Lewis*, Gloucester, corn merchants, Dec. 19 at 11, Bristol, and ac. joint est., and and. sep. est. of *John Box*.—*Daniel Wm. Taylor*, Swansea, Glamorganshire, victualler, Dec. 19 at 11, Bristol, and ac.—*Matthias Wood*, Barnsley, Yorkshire, plumber, Dec. 23 at 11, Leeds, and ac.—*W. Pickford*, Fenchurch-street, City, merchant, Dec. 24 at 11, London, div.—*John Rice*, Lupus-street, Belgrave-road, Pimlico, Middlesex, butcher, Dec. 24 at half-past 11, London, div.—*Henry French Osenden*, Maidstone, Kent, draper, Dec. 24 at 12, London, div.—*Wm. Henry Batchelor*, Leatherhead, Surrey, builder, Dec. 24 at 1, London, div.—*R. Pratt*, Great Yarmouth, Norfolk, bricklayer, Dec. 24 at 12, London, div.—*Joseph Samuel Parsons*, Brentford and Uxbridge, Middlesex, watch maker, Dec. 24 at half-past 12, London, div.—*Geo. Jas. McLennan* and *John Wm. Bird*, Osnaburgh-street, Regent's-park, Middlesex, builders, Dec. 24 at 12, London, div. sep. est. of *Geo. Jas. McLennan*.—*Jas. Nelson Knapp*, Newport, Monmouthshire, sailmaker, Dec. 26 at 11, Bristol, fin. div.—*Joseph Fisher*, Cleve, Yatton, Somersetshire, money scrivener, Dec. 26 at 11, Bristol, fin. div.—*John Shattock*, Long Ashton, Somersetshire, farmer, Dec. 26 at 11, Bristol, div.—*Gerard Gandy*, Leeswood, near Mold, Flintshire, ironmaster, Dec. 27 at 11, Liverpool, div.—*Wm. Nathaniel Evans* and *Robt. Buncombe Evans*, Colyton, Devonshire, tanners, Dec. 16 at 12, Exeter, and ac.; Dec. 27 at 12, div.—*Walter Roberts*, East Stonehouse, Devonshire, builder, Jan. 13 at half-past 12, Plymouth, div.—*Benjamin Garfit Bottomley*, Devonport, Devonshire, ironmonger, Jan. 13 at half-past 12, Plymouth, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Oscar Fitzallen Owers*, Sussex-terrace, Westbourne-grove, Paddington, Middlesex, bookseller, Dec. 24 at half-past 11, London.—*John Dickon Lyon*, Kingston-upon-Hull; commission agent, Jan. 15 at 12, Kingston-upon-Hull.

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THE JURIST.

LONDON, DECEMBER 14, 1861.

WE continue our illustrations of succession duty difficulties with the cases of *Lovelace's Settlement* (5 Jur., N. S., part 1, pp. 428, 694; 4 De G. & J. 340); *Lord Braybrooke v. The Attorney-General* (7 Jur., N. S., part 1, p. 741); and *In re Barker* (Id. 1061). In *Lovelace's case* the question was, whether succession duty was payable in respect of personal property appointed by will under a general power, the donee of the power and the appointees residing abroad. Maria Vanneck, being entitled under her father's will to a share of the residue of his estate, made a settlement on her marriage with Mr. Lovelace in 1817, under which, in default of issue, she took a general power of appointment. Having subsequently acquired a French domicile, she made a testamentary appointment of 10,000*l.*, part of the fund, to natives of France domiciled there.

The fund having been paid into court under the Trustees Relief Act, the Crown claimed succession and legacy duty on the 10,000*l.* The claim for legacy duty was abandoned at the hearing. Sir W. P. Wood, V. C., held that the succession duty was not payable, resting his decision, not on the foreign domicile of the testatrix and the legatees, but on the construction of the 2nd and 4th sections of the act with reference to general powers. The 4th section enacts, that "where any person shall have a general power of appointment, under any disposition of property taking effect upon the death of any person dying after the time appointed for the commencement of this act, over property, he shall, in the event of his making any appointment thereunder, be deemed to be entitled, at the time of his exercising such power, to the property or interest thereby appointed as a succession derived from the donor of the power; and where any person shall have a limited power of appointment, under a disposition taking effect upon



any such death, over property, any person taking any property by the exercise of such power shall be deemed to take the same as a succession derived from the person creating the power as predecessor." If the words "taking effect" refer directly, not to the appointment, but to the disposition creating the power, they must mean taking effect by giving a power of appointment on the death, &c.; for it cannot be supposed that a power given to B. to appoint after the death of A., who dies after the commencement of the act, was meant if it occurred in A.'s will, but was not meant if it occurred in a settlement made before the act. The meaning of the clause evidently is, that a special power, exercisable on the death of any person, shall, if exercised, pass a succession to the appointee as from the donor of the power; and that a general power given to any person to arise on a death shall, if exercised, be regarded as the same thing as a gift of the property to that person; the reference to death after the commencement of the act being necessary, for the same reason that it is necessary in the general enactment of the 2nd section. An example will make the application of the 4th section clear. A settlement is made by A., giving life interests in a fund successively to B. and C., and giving to C. power, at any time after the death of B., to appoint 10,000*l.* to whom he pleases, and to appoint other 15,000*l.* among his children. B. dies, and C. pays succession duty on his life interest. He afterwards appoints by deed both the 10,000*l.* and the 15,000*l.* to his son D., both sums to be paid after C.'s death. C. immediately becomes liable to pay succession duty on the 10,000*l.* as a succession from A. (subject to a deduction of the duty already paid in respect of his life interest—sect. 33), and D., on C.'s death, becomes liable to pay duty on the 15,000*l.* as a succession from A. If C. had exercised the general power by will, no duty would have been payable out of his estate, because he would not have come into the enjoyment of his succession in his lifetime; but his appointee, becoming entitled on his death, would be liable as a successor, under the general terms of the 2nd section; and then the question would be, whether C. or A. was the predecessor, or person from whom the interest was derived. We shall see, that, according to the decisions, A. must be regarded as the predecessor. It is evident that the 4th section has no direct bearing on the question in *Re Lovelace*. Mrs. Lovelace took, under a disposition made by herself, a general power of appointment, to take effect on her own death; her exercise of that power could not possibly make her or her estate liable to pay duty. (See sect. 20). Sir W. P. Wood, V. C., however, seems to have considered that the only question was, whether Mrs. Lovelace herself took a succession; for the argument on which he founded his decision was shortly this:—Under sect. 2, standing alone, the appointees would have taken a succession from the settlor as predecessor; but sect. 4 must be regarded as a substantive provision with respect to powers, shewing that they were not intended to be dealt with by sect. 2, but to be governed solely by sect. 4; and that section is confined to powers under wills taking effect, or settlements made, after the passing of the act. The appointment in question, therefore, being under a power in a settlement made before the act, was not within the act at all. Upon appeal, the Lords Justices held that the case was within the 2nd section, and that duty was payable by the appointees notwithstanding the foreign domicile of themselves and of the ap-

pointor, because they took, not from Mrs. Lovelace as appointor, but under the settlement, which was made in England by Mrs. Lovelace while domiciled there. The property would not, if the appointment had not been exercised, have been part of Mrs. Lovelace's estate, but would have devolved on her next of kin. The decision is not satisfactory. The property substantially belonged to Mrs. Lovelace. If the settlement had been made by a third person, and had limited the property upon trust for the husband for life, and then upon such trusts as the wife should appoint, and she had appointed to herself for life, and then to A. B., she would have become liable, under sect. 4, to pay the full duty, as on a succession to the absolute ownership; and it would be inconsistent to hold, that while by express enactment she is to be deemed to be the owner of the property as successor for the purpose of paying duty, she is not the owner for the purpose of transmitting a succession. The obscurity occasioned in the 4th section by the words, "under any disposition of property taking effect," &c. is not chargeable on the framers of the clause, which originally stood thus—"When any person shall have a general power of appointment arising upon the death," &c., and was altered in committee by some one who did not know what he was doing.

In *Lord Braybrooke v. The Attorney-General* (7 Jur., N. S., part 1, p. 741), R. N., being, under the will of his cousin Lord Howard de Walden, tenant for life of estates in Essex, with remainder to his son R. C. N. in tail, joined with R. C. N. in a disentailing deed, by which the estates were resettled, subject to R. N.'s life estate, to such uses as R. N. and R. C. N. should jointly appoint; and in default of appointment, to R. C. N. for life, with remainder over. In 1850 the power was exercised, and the estates were limited (discharged from a charge of 10,136*l.* 5*s.* 8*d.* Consols belonging to R. N. absolutely) to such uses as the two should jointly appoint; and in default of appointment, to the use that R. C. N. should receive an annuity or rent-charge of 700*l.*, or, if he should marry, 1200*l.*, during the joint lives of himself and R. N. with remainder to R. C. N. for life, and remainders over. Upon the death of R. N. in 1858 duty at 10*l.* per cent., as on a succession from the testator, was claimed from R. C. N.; and the Court of Exchequer held that the claim was well founded, and that no allowance was to be made in respect of the charge given up by R. N., or of the cesser of the rent-charge of 1200*l.* On appeal, the House of Lords (against the opinion of Lord Wensleydale) confirmed the opinion of the Court below as to the rate of duty, except on so much of the value of the estate as represented the charge of Consols released by the father, which they held to be a succession derived from him, and except as to the rent-charge of 1200*l.*, for which (following *la re Micklethwaite*, 11 Exch. 452) they directed an allowance to be made, overruling *The Attorney-General v. Sibthorp* (3 H. & Norm. 424). The decision as to the main point in the case seems to follow of course from sect. 12 of the act, but we are unable even to conjecture the ground on which the allowance for the rent-charge was made. Under the will of Lord Howard de Walden, R. C. N. took the estate unconditionally upon the death of R. N.; the circumstance that under a distinct arrangement with R. N. he had been entitled to a rent-charge, which then ceased, could not affect the value of his succession from Lord Howard. The 38th section, on which the decision in *Re Micklethwaite* proceeded, evidently refers only to property which is given up by virtue of the instrument which creates the succession—not to a provision which, by the bounty of or by contract with a third person, is payable until the succession falls in.

Our principal reason, however, for referring to *Braybrooke v. The Attorney-General* is to shew that it affords no support to the propositions for which it was cited in *Re Barker* (7 Jur., N. S., part 1, p. 1061; 30 L. J., Ex., 404). There a testator devised lands to trustees in trust for his wife for her life, and then as she should by deed or will appoint. He died in 1850, and his widow, in 1858, by her will, appointed the lands to her late husband's niece. The majority of the Court of Exchequer, following the decision of the Lords Justices in *Re Lovelace*, and relying also on *Lord Braybrooke's case*, held that the uncle was the predecessor; but as both Martin and Channell, BB., relied on the 4th section of the act, which is clearly inapplicable, while Pollock, C. B., founded his judgment on the consideration that the substance, and not the technicality, of the transaction should be regarded, the case cannot be accepted as a great addition to the authority of *In re Lovelace*. The remark of the dissentient judge (Bramwell, B.) is unanswerable. What the appointee succeeded to it was in the appointor's power to grant or to withhold, or to limit to herself in fee.

We think that we have established our proposition, that the machinery of the Succession Duty Act is too delicate for ordinary use.

### Correspondence.

#### MUGGLETON v. BARNETT AT THE ANTI-PODES.

TO THE EDITOR OF "THE JURIST."

SIR,—I am indebted to the courtesy of one of the judges of the Supreme Court at Sydney for the accompanying report of the case of *Badham v. Shiel* in that court. The point decided is one which has occasioned much discussion in your columns, and the report, if not too long for insertion, may, therefore, interest your readers. The case suggests the extreme importance of accuracy in our acts of Parliament, when doubts as to their construction occasion litigation to extend to such a distance.

Yours faithfully,

JOSHUA WILLIAMS.

7, New-square, Lincoln's-inn, Dec. 7, 1861.

SYDNEY SUPREME COURT.

[Before the full Court.]

BADHAM v. SHIEL.

The judges, differing in opinion on the point reserved in this case, delivered judgment separately.

CHIEF JUSTICE.—This is an action of debt against the grandson of one Mary Cannon, deceased, as her heir-at-law, on a covenant with the plaintiff entered into by her; to which the defendant has pleaded, that he had not nor has any lands by descent from the said Mary Cannon; and the question for our decision is, whether, having reference to the provisions of the Inheritance Act, sect. 2, that plea is established.

For the purposes of the argument the following facts are to be taken as proved or admitted:—First, that Mary Cannon was entitled in fee to the lands in question, and died in possession of them. Secondly, that the said Mary Cannon had two sons only, of whom one died childless in his mother's lifetime, and the other survived her, but died before acquiring possession of the lands. Thirdly, that the defendant is the only child of that son. But, fourthly, that Mary Cannon herself inherited the lands from her father, Thomas Bradbury, who was their first purchaser. The defendant, therefore, admitted that he inherits these lands, and contends that he does so exclusively by descent from Bradbury, his great grandfather—not from

Mary Cannon, because she was not the purchaser of them.

He relies, consequently, on the words of the 2nd section of the schedule (adopted in this colony in the year 1837), which are, that "in every case descent shall be traced from the purchaser." It is maintained, in accordance with the opinions expressed by a learned and able writer in his "Principles of the Law of Real Property," and in his edition of "Watkins's Treatise on Descents," that by the force of those words, in connexion with the definitions given in the 1st section, the descent, or title to inherit land from one who himself took by descent, is from the purchaser alone; so that the person next entitled, after any taker by succession, acquires no title from the latter, or from any previous heir, but derives it from him only who first in that line obtained the property. The conclusion would be, of course, that the defendant here makes out his plea, that he took nothing by descent from the covenantor, his grandmother, he tracing his descent from, and being entitled to the land solely under and as heir to, another person.

After the fullest consideration which I have been able to give to the subject I am unable to adopt that conclusion. It appears to me, that whatever may have been the object of the Legislature in establishing the rule as to tracing descent invariably from the purchaser, it was not to make him the person to be descended from exclusively. Before the statute, possession, actual or constructive, in the last owner was necessary as a preliminary to the deducing of heirship from him. But now possession in the person "last entitled" is dispensed with. The question, then, will be, as I conceive, who, on the death of that owner or person, is his heir—who, as to the land in contest, is entitled to succeed him? In this respect I cannot find that the statute has made any alteration. It would seem, indeed, from the very nature of the case, that such must necessarily always be the inquiry. The enactment, however, then steps in, and supplies the rule for determining that question. It makes the guide and test of heirship, or right of succession, the capacity to trace descent from the purchaser of the property. So that in cases where the last owner was not also the purchaser, the claimant must go further back in his pedigree, and deduce his title by succession equally from that purchaser—one object of the rule clearly being, that when the heir of the last owner and the heir of the first purchaser are different individuals, the latter shall be preferred.

The case has been put of two brothers, A. and B., born of the same parents, and B. dying leaving two sons, C. and D., born of different mothers. C. purchases Blackacre, and dies intestate without children, before the statute. His brother D. could not then inherit, being of the half-blood only. The uncle A., therefore, becomes C.'s heir, and he enters accordingly. The new law of inheritance in the meantime passes, and after it has come into operation A. dies intestate, leaving W., his son, surviving. That son is undoubtedly the father's heir, yet he shall nevertheless not take Blackacre, for the right to inherit that must be traced, according to the statute, from C., the purchaser, whose heir is now D., the half-brother, still living. In this respect the law has effected two changes—one as to the capacity of the half-blood, the other as to looking beyond the last owner. But, as it seems to me, the question to be determined was the same that has been stated, namely, who, in respect of the particular land, was A.'s heir? And D. becomes by law that heir and takes Blackacre accordingly, because he is the next in descent from C., its purchaser. He succeeds to A., whose property the land was; not to C., for the latter's title had passed to another. There is nothing

in the statute, according to my understanding of it, to preclude D., in such a case, from being deemed, as to Blackacre, heir to the one merely because he is heir to the other; for why may he not, as to that land, be deemed to descend from both?

The case of *Doe v. Blackburn* (1 Moo. & R. 547) is supposed to be decisive against that construction. I do not perceive that it is so. An illegitimate person purchased land, and died intestate, leaving a son, who entered into possession as heir, and died intestate and childless. The mother being dead, a descendant of her eldest brother claimed the property. It was held that he could not succeed, because he was unable to make himself heir according to the statute, by tracing descent from the purchaser. In other words, the person entitled to inherit to the son by consanguinity to him was one only who could trace descent from the father, who, being illegitimate, could have, in legal contemplation, no descendant except of his body.

On the other hand, the case of *Cooper v. France* (19 L. J., Ch., 313) has been relied on for the plaintiff; and although in some respects, perhaps, not altogether satisfactory, it appears to me to be an authority in his favour. Two sisters, coparceners, died intestate, each leaving a son. It was contended, that by the statute each son inherited from the grandfather as purchaser; and so that, on the death of one coparcener, her son and the other coparcener inherited, jointly and equally, her share of the property, because they then constituted jointly one heir in descent from such purchaser. But the Vice-Chancellor held that each son took his mother's share, neither less nor more. The decision seems to me to amount, in effect, to this—that the question is, in such cases (as I have said that I think it must be in every case), one of heirship to the party dying, not of heirship to the purchaser. The descent must be traced, but it does not follow that therefore it must be derived, from him. There, however, neither son could, in fact, establish an heirship to the purchaser. Each was, as it were, only half his heir. But if each was, by the right of representation, entitled in such a case to whatever his mother had by descent, all alike descending from the purchaser, the same right at least (with its corresponding liabilities) will, I should conceive, certainly exist here.

In the present case, actual possession in the party last entitled being unnecessary, the question primarily to be determined is, who is heir to that person? It is clear that the defendant is. That person's father was heir to Mary Cannon, as the latter was to Bradbury, the purchaser of the lands. But it is insisted that neither the defendant nor his father was heir to Mary Cannon in respect of those lands, although each in turn took them by inheritance; "for," says the defendant, "the property comes to me by descent from Bradbury alone." I am of opinion, on the contrary, that it descended to the defendant from, and as heir to, his father; and that the latter became entitled to the same from, and as heir to, Mary Cannon—both son and father alike being successively her heirs, since both trace descent from the same common ancestor. In other words, that each took the land by descent, or right to inherit from her, because each can, and does, trace descent equally from the purchaser, as the statute requires. And as the defendant represents his father, so the latter represented, and the defendant by succession to him now represents, Mary Cannon and their previous ancestor; and each, to the extent of the lands descended, became, therefore, upon succession thereto, liable respectively for the debt sought now to be recovered.

The case of *Muggleton v. Barnett* (27 L. J., Ex., 128)

\* This case is reported in 2 Jur., N. S., part 1, p. 1026, and on error, 4 Id. 139.—Ed.

was supposed to have little bearing on the construction of this statute. To me, however, it appears in effect to be a strong authority on the question. The particular point discussed, indeed, was the extent of the custom of a certain manor, and on that the cause was decided. But if the enactment were what the defendant here contends for, that discussion would not have been to the purpose; and the very fact, therefore, that such was the point discussed, and that the judges held the Inheritance Act not to apply, shews the argument to be unfounded. The person last seized or entitled in the case cited was one Barnett; and the question raised was, he having died intestate and without issue, who was his heir. The plaintiff claimed as son of Barnett's great great uncle. There was evidence of a customary descent to certain collateral relatives of the last owner; but the Court held that there was none of a descent to his collaterals in so distant a degree. The defendant, therefore, had judgment; but had the question been as to descent from the purchaser, and him only, the plaintiff would have been entitled; for of that person he was clearly heir by the custom, within the degrees limited. No doubt it may be urged that the enactment did not mean to alter the customs of manors; and that in *Barnett's case* the custom related only to heirship to the person last seized. But the argument surely is quite as strong with respect to the altering of rules of the common law, by which the question always was as to heirship to him that was last seized.

It appears to me unreasonable, moreover, in a case of this kind, to hold that the heir takes only from the remote, and not the immediate, ancestor. A father, largely indebted, purchases land, and dies intestate, leaving a son. The son here clearly inherits from the father, and need not trace his descent higher, and so, confessedly, is liable at law for the father's specialty debts to the value of that land. But the father had other lands descended to him from his father, the purchaser of them. The son descends alike from both. On the defendant's construction, however, he inherits the last-mentioned land exclusively from his grandfather, and so, in respect of these, is not liable for his father's debts at all. It is, indeed, not contended, for the defendant, that the son would become thus irresponsible except at law; for the remedy in equity, it is said, would still be open to the creditors. But the stat. 3 & 4 Will. 4, c. 104, as I read it, contemplates only proceedings against the heir of the debtor. If, therefore, in the case supposed, the son be not that heir, but takes from the debtor's father alone, it seems clear that the creditors would have no remedy whatever.

Lastly, it may be remarked, that in many cases before the Inheritance Act it was necessary to establish heirship by tracing descent from the purchaser. The heirship, nevertheless, in those cases, however traced, was still heirship to the last owner, who might, in respect of different lands, have different heirs. So, in cases of inheritance among collateral relations, the descent was traced from their common ancestor; yet it was not to him, but to the last proprietor, that the heirship was. And, in like manner, sect. 5 of the act, as it appears to me, treats heirship between brothers, which is put on the same footing as descent among other collaterals, as a descent or inheriting from the deceased brother; although now, as in other cases of collaterals, that descent is not to be considered immediate, but is to be traced through the parent.

We may admit that the new statute has introduced some difficulties, and that, perhaps, better provisions might have been established by adopting entirely the recommendations on which, for the most part, it is founded. But I cannot find that it has so entirely

subverted the old law as has been contended by the defendant; and my judgment, therefore, on the plea now in question, is against him.

MILFORD, J.—The Chief Justice has gone so fully into the law of the case that I only wish to add what may appear to be a summary of his judgment.

The construction of the act, without reference to the cases which have been commented upon by his Honor, does not appear to me to be very difficult, though there has been much discussion on the subject, both in and out of the courts. The object of the act is not to cause land to descend to the heir of a person who before the act would not have been the stock from whom the land would descend, but to point out a new method of discovering who is the heir of such person. The heir of the person last entitled is to be found, not the stock. If A. acquire land otherwise than by descent, and die, we are to seek for his heir; if he inherit land we are to do the same thing; but the act in the latter case points out how it is to be done, viz. by tracing the heirship from the person last entitled, who did not take by descent, in the act called the purchaser. There may be two heirs to one person—one of land purchased by him, another of land descended on him.

The Real Property Commissioners did not recommend this plan of tracing the descent in cases like the present, but recommended that it should be similar to the descent of a reversion—i. e. that the stock should be different. The statute has, however, pointed out a course not in accordance with that recommended.

What was said by Gresswell, J., in *Muggleton v. Barnett*, in the Exchequer Chamber, decided on a question as to the extent of a custom, clearly shews that he entertained this view of the enactment. He says, "The eldest son of the eldest son of the great grandfather may be the common-law heir of the person last seised, ascertained in the manner pointed out by the Legislature; but that will not make the youngest son," &c.

By "the common-law heir of the person last seised" the judge must mean the common-law heir of the person last entitled to the land; for seisin, under the act, has nothing to do with the question; it is no longer necessary. He does not say "the heir of the purchaser," who, under the act, is a different person from the person last entitled, but "the heir of such last-mentioned person."

In the present case we must seek for the heir of Mrs. Cannon. She was entitled to the land which afterwards descended to the defendant, and she gave the bond by virtue of which the plaintiff sues. Whether Mrs. Cannon became entitled by descent or by purchase is immaterial, except that, as she took by descent, we must find out her heir by tracing him from Bradbury, the purchaser, not from her. The defendant is her heir, found so by tracing his descent from Bradbury, and he has the land by descent from her.

The plaintiff is, therefore, entitled to sue the defendant on the bond given by Mrs. Cannon.

WISE, J.—At the trial of this cause before me the defendant obtained a verdict. A new trial was moved for on several grounds, and was argued before Sir J. Dickinson, Milford, J., and myself in December term.

In consultation upon the important questions raised it occurred to us that, even assuming that there was a misdirection, the action was not maintainable, according to the view expressed by Mr. Joshua Williams, the able and well-known writer, in the note to Watkins on Descents (p. 120). After shewing that under the old law the remainder or reversion on a freehold was not subject to the debts of the mesne remainderman or reversioner, where the stock of descent had not been changed, because he does not take by descent

from such remainderman or reversioner, but from the original donor, and so paramount the mesne charges, the annotator adds—"The rule appears to extend also to estates in possession under the new act. As to these also the descent shall be traced from the purchaser; so that if A., a debtor, who has acquired land by descent, die intestate, B., the person next entitled to inherit, would not be subject, in respect of such lands, to A.'s bond debts; for the descent, or the title to inherit lands by reason of consanguinity, shall be traced from the purchaser; so that B. derives no title from A., but only from the purchaser, and therefore paramount A.'s debts."

The point not having been raised on the argument, it was intimated to the parties that the Court would sit specially to hear it argued; but the offer not being accepted, it was argued last term before the Court as now constituted.

The question is one of admitted difficulty, and formed the subject of a vigorous discussion in the pages of "The Jurist" for 1858; and after the fullest consideration of the arguments there adduced, and by Mr. Martin for the plaintiff, I am of opinion that the action is not maintainable upon the state of facts, which, for the purposes of the present argument, are assumed to be proved.

I have, indeed, a great distrust of my own opinion in this case, as it is not shared by my brother judges, and because it also appears to be contrary to a decision hereafter referred to; but as, after repeated examination of the grounds of that opinion, I do not feel myself able to accede to the opposite view, I am bound to express my own.

The question turns upon the true construction of the 3 & 4 Will. 4, c. 106, adopted by the 7 Will. 4, No. 8.

This statute altered the law of inheritance in many important particulars; and, as if in anticipation that some confusion would arise by the use of words that had by previous user acquired a particular meaning, the interpretation clause provides that "the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this act, except where the nature of the provision or the context of the act shall exclude such construction, be interpreted as follow."

A reference to the old law is essential to ascertain the effect of the new provisions. An estate vested by descent—that is, by act of law; or by purchase—that is, by action of the party; or, as it is sometimes expressed, to which a man cometh not by descent—e. g. devise. At common law, if a man bound his heirs by deed, such heir was liable, provided lands descended to him from such ancestor; and, according to the rule *seisina facit stipitem*, inheritance was to be traced from the person who last died actually seised—that is, who was in possession by himself, or a tenant for years, or had received some rent (in the case of a freehold lease), or had exercised some act of ownership. Thus, if the right to an estate descended to a person who himself died without having taken possession, or having had it by construction of law, the inheritance was to be traced, not from such person, but from the person who died last seised. The son, therefore, of the person who thus died without seisin, notwithstanding that he only got the land through his father, could not plead *riens per descent*, because he did not trace from his father. This is shewn by the following note of Lord Hale (Co. Litt. 116. n. 2)—"Grandfather, father, and son; grandfather dies; father is bound in an obligation or warranty, and dies before entry:—Held, the son not liable, because he shall make himself heir to his grandfather."

Yet he would have been heir to his father in respect

to any lands of which he had been seised, and was not heir as to the other for the purposes of this liability. Although the descent was traced through his father, it was traced from his grandfather. (See also the case of *Busby v. Dixon*, 3 B. & Cr. 13, 298).

But the rule non jus sed seisinam facit stipitem did not hold in the descent of estates tail, it being only necessary, in deriving a title to an estate of this kind by descent, to deduce the pedigree from the first purchaser, and to shew that the claimant is heir to him; for the issue in tail claim per formam doni—that is, they are as much within the view and intention of the donor, and as personally and precisely described in the gift, as any of their ancestors. Likewise, if the estate which descended was of a kind in which the owner cannot acquire actual seisin of the land (as in the case of a reversion or remainder expectant upon freehold, where the actual seisin belongs to the particular tenant), the rule was, that the claimant must trace his descent from, or, as it was usually expressed, make himself heir to, the purchaser.

Now, one of the leading objects of the act was to get rid of the anomalous consequences arising from the rule seisinam facit stipitem, and it was proposed to enact that estates should pass to the heir of the person who last died entitled, although he might not have had seisin; but this proposal was not adopted, and the descent is to be traced from the purchaser. Accordingly sect. 2 enacts that “in every case descent shall be traced from the purchaser;” or, substituting for these words the meaning given by the interpretation clause, “The title to inherit land by reason of consanguinity, as well when the heir shall be the ancestor as when he shall be a child, shall be traced from the person who last acquired the land otherwise than by descent; and the last person who had a right to the land, whether he did or did not obtain the possession of the receipts of the rents and profits thereof, shall be the purchaser, unless it be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser, unless it shall be proved that he inherited the same; and in like manner the last person from whom the land shall be proved to have been inherited shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same.” (Sect. 2).

In any given case, therefore, if it be proved that the last person entitled did inherit, descent is not traced from him, but it is traced from the statutory stock, i. e. the purchaser, as defined in the 2nd section. The purchaser is, in fact, the only root from which descent can be traced. (See Stephen's Commentaries, 1, 390, 421, 424, 4th ed.) That very learned author uses the following language:—“Having now treated of the several rules of which we conceive the law of descent, as new modelled by the act of Parliament just mentioned, to consist, we may remark, as the result of the investigation, that, upon the death of the owner of an estate in fee-simple, we are to ascertain the heir by considering, first, who was the purchaser of that estate, according to the sense which the statute has affixed to the term; and we are then to look for the heir first among his issue.”

In strict analogy, therefore, to the former rule of law, the grandson in the present case cannot be charged, because he traces his descent from the purchaser, who is not the person who made the bond, but paramount.

This, no doubt, is a change in the law; but the statute does change the law in other important points, as to the liability of heirs, and therefore alters the meaning of the term “riens per descent.” At common law, if a testator made the same disposition of

his estate as the law would have done if he had been silent, the will, being unnecessary, was void; and if the testator had bound his heirs, the devisee, when sued, could not plead riens per descent. But that is not so now; for, by sect. 3, such devisee shall be considered to have acquired the same as purchaser. If sued, therefore, he would succeed on the plea of riens per descent, because he no longer takes as heir, but as purchaser.

Again: could it be doubted that if a person, having made a bond, died entitled to, but not seised of, lands, his son would be liable under the 2nd section, unless it were proved that his father inherited it? whereas, under the old law, he would not have been liable. Here, again, the 2nd section gives a new meaning to the expression “taking by descent.” *Strickland v. Strickland* (10 Sim. 374) is an express authority that this statute is not to be considered as relating exclusively to the law of inheritance, but also has application to assets; and therefore the heir takes as devisee for all purposes, and pecuniary legatees are not entitled to have the assets marshalled as against him. The illustrations already given shew that the statute may in some cases impose new liabilities; and it seems to me, therefore, reasonable to apply the same construction, even although the effect may be to prevent the person who thus takes through his father from being liable in this form of action. As, by the technical rule, seisinam facit stipitem, lands might go to the son free from the father's debts, although the father could have sold, mortgaged, or devised them—a. g. a reversion expectant upon an estate of freehold—so, by the statute, lands might come to the person enjoying the title to inherit from the person not proved to have himself inherited them, and discharged of the common-law liability for the debts of the person through whom he traces this title, and who could, in like manner, have sold, mortgaged, or devised them.

The 5th section was relied upon to shew that the 2nd section was not to be construed in the way I have construed it. But that, taken in connexion with the 5th section, enabling lineal ancestors to be heirs to their issue, shews that the words “every case,” in the 2nd section, are to have their natural meaning. No brother shall be considered to inherit immediately from his brother, but every descent from a brother shall be traced through the parent. If a son purchases an estate, and die without issue, leaving a father and a brother, the brother does not take, but the father. Why? Because he traces his descent, i. e. his title, to inherit from his son. But, on the father's death, the brother does inherit. Why? Because he traces his descent from his brother through the father. If indeed, the effect of this construction would be to enable the son to enjoy the lands without payment of the debts, I should have greater doubt as to its correctness. But the 3 & 4 Will. 4, c. 104, which was passed the same day, must be taken in connexion with this statute (see *Strickland v. Strickland*), although it does not appear to have been adopted here, probably in consequence of the 5 Geo. 3. The first clause of the 1st section seems to be clearly of wider scope than the last. It enacts, that when any person shall die seised of or entitled to any estate or interest in lands, &c., which he shall not by his last will have charged with or devised subject to the payment of his debts, the same shall be assets, to be administered in courts of equity, for the payment of the just debts of such persons, as well debts due on simple contract as on specialty. *Hamer's Devisee's case* (2 De G., Mac., & G. 366), in which it was decided, that not only debts of the deceased are charged upon real estates, but also all liabilities which may result out of obligations entered into during his life, is an express authority that the

first part of the enactment is not to be limited to the cases in which the remedies referred to in the second will apply.

Upon the whole I am of opinion, that, whether foreseen or not, the new modes of inheritance (which, it must be recollected, are entirely a matter of positive law, and not of right) have affected the old remedies; in other words, the remedies applicable to one state of the law do not apply to another.

It seems to me, further, that this view of the statute was at first generally entertained. (See *Doe v. Blackburn*, 1 Moo. & R. 547; Burton's Compend., by E. P. Cooper; Hayes on Conveyancing, 313; 3 Bl. Com., by Sweet, 240; Sugd. V. & P. 550, 551, 11th ed.; and Williams on Real Prop.) But the decision in *Cooper v. France* (19 L. J., Ch. 314) appears to establish that the 2nd section of the statute does not apply at all to lineal descents. Sir L. Shadwell, V. C., is there reported to have said—"It seems to me that the meaning of the act was to leave the law of inheritance, in cases absolutely plain, just as it found them, and only to lay down rules where there was any doubt existing."

Lord St. Leonards terms this a judicious interpretation of the statute; but with every respect for the Vice-Chancellor's learning and judicial authority, I must say that I am wholly unable to follow the reasoning by which he appears to have laid down what strikes me as altogether a new canon of construction, and which would almost prevent any effect being given to the statute; for the whole statute, except the 8th section, applies to cases which were clear before the statute. The peculiar legal incidents of estates in coparceny may, perhaps, be sufficient to support the decision (see the argument fully stated in Williams on Real Prop., 4th ed.); and although not satisfied with it, I should follow it in a precisely similar case. But the present is not such a case, and I think myself at liberty to follow the natural meaning of the statute, and the analogy to a well-settled rule existing when the statute was passed. *Muggleton v. Barnett* (27 L. J., Ex., 124) was also referred to as an authority; but the decision does not appear to me to have been at all founded upon the construction of the statute. The question was as to the amount of evidence requisite to establish a peculiar custom of descent in the manor; and Wightman, J., who was one of the majority of the court, in the course of his judgment, says, "The stat. 3 & 4 Will. 4, c. 106, does not appear to me to have any bearing upon the case;" and Crompton, J., also one of the majority, says, "The Inheritance Act points out a new mode of tracing descent, but does not seem to me to extend the operation of a custom of descent," &c. It is not a little singular that the research of the counsel who argued the case, as well as that of my brother judges and myself, has failed to discover any instance of an action of this kind in England since the passing of the Inheritance Act; and it is for this reason that I have more freely referred to text-writers on the subject.

Since writing this judgment my attention has been drawn to the 22 & 23 Vict. c. 35, s. 19—"Where there shall be a total failure of heirs of the purchaser, then and in every such case the land shall descend, and the descent shall thenceforth be traced from the person last entitled to the land, as if he had been the purchaser thereof."

This enactment seems to me entirely to support my view of the statute. It implies that the heir of the purchaser is to be sought, not the heir of the person who was last seised, who is included in the words "last entitled to," according to the interpretation clause; and by enacting that the descent shall be traced from the person last seised when there is a total failure of

the heirs of the purchaser, it recognises the law to be that it is not so traced unless there is a total failure of heirs. I am, therefore, of opinion that this motion ought to be discharged.

JOHN FEARNE GEE, Lawrence Pountney-lane, City, mining agent, Dec. 31 at 10, London: Off. Ass. Edwards; Sols. Langford & Marsdon, 59, Friday-street, Cheapside, London.—Pet. f. Dec. 2.

HENRY ROBERT MENDHAM, Eye, Suffolk, coach builder, Dec. 31 at 11, London: Off. Ass. Edwards; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. Dec. 2.

SAMUEL MARRIOTT, Greenwich, Kent, and Southwark-bridge-road, Surrey, smith, Dec. 19 at 10, London: Off. Ass. Edwards; Sol. Sherwood, 7, Serjeants'-inn, Fleet-street, London.—Pet. f. Dec. 2.

EDWARD CALVERT ARNEMAN HAWORTH, Elizabeth-street, Eaton-square, Pimlico, Middlesex, esquire, Dec. 19 at 10, London: Off. Ass. Edwards; Sol. Foster, 28, Queen-street, Cheapside, London.—Pet. f. Dec. 5.

HENRY ASHDOWN, Woolwich, Kent, confectioner, Dec. 19 at 10, London: Off. Ass. Edwards; Sol. Chipperfield, 3, Trinity-street, Southwark, Surrey.—Pet. f. Dec. 5.

JOHN SHUBOTHAM, Swinnerton, Staffordshire, farm bailiff, Jan. 13 at 12, Birmingham: Off. Ass. Kinnear; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. f. Dec. 5.

ROBERT BIDGOOD and WILLIAM DAY, Nottingham, lacemakers, Dec. 19 at 11, Nottingham: Off. Ass. Harris; Sols. Buttery & Heath, Nottingham.—Pet. f. Dec. 3.

THOMAS BOWMAN, Kirby in Ashfield, Nottinghamshire, limeburner, Dec. 19 at 11, Nottingham: Off. Ass. Harris; Sol. Cann, Nottingham.—Pet. f. Dec. 5.

CHARLES FAULKNER, Mickleton, Gloucestershire, licensed victualler, Dec. 16 at 1, Bristol: Off. Ass. Miller; Sols. Hancock & Hiron, Camden; Brittan & Sons, Bristol.—Pet. f. Dec. 2.

JOHN LUND, York, cattle dealer, Dec. 20 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Dec. 30.

WILLIAM ATKINSON, Leeds, commercial traveller, Dec. 20 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Dec. 2.

EDWARD JACKSON, Holbeck, Leeds, cloth manufacturer, Dec. 20 at 11, Leeds: Off. Ass. Young; Sols. Ferns & Rooke, Leeds.—Pet. f. Dec. 4.

FINDLAY GREETHAM, Liverpool, flour dealer, Dec. 19 at 11, Liverpool: Off. Ass. Bird; Sol. Cross, Liverpool.—Pet. f. Dec. 2.

THOMAS ROBERTS, Bryngwran, near Holyhead, Anglesey, surgeon, Dec. 18 at 12, Liverpool: Off. Ass. Morgan; Sols. Evans & Co., Liverpool.—Pet. f. Dec. 2.

MARK BLOOM, Manchester, furniture dealer, Dec. 23 at 12, Manchester: Off. Ass. Herniman; Sol. Gardner, Manchester.—Pet. f. Nov. 19.

ANN JOHNSTON, Warrington, Lancashire, provision dealer, Dec. 21 at 12, Manchester: Off. Ass. Pott; Sol. Swan, Manchester.—Pet. f. Nov. 19.

WILLIAM CHAPMAN, Heighington, near Darlington, Durham, artist, Dec. 18 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Young, Sunderland.—Pet. f. Dec. 4.

JOHN TAYLOR, Birmingham, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Robinson, Birmingham.—Pet. f. Dec. 3.

SAMUEL JOHN EVANS, Birmingham, machinist, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sols. Powell & Son, Birmingham.—Pet. f. Nov. 4.

FREDERICK HINSLEY, Birmingham, carpenter, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Dec. 4.

JAMES EDMUND MERCER, Birmingham, furniture remover, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Dec. 4.

THOMAS BAKER, Bristol, painter, Dec. 20 at 1, Bristol: Off. Ass. Harley & Gibbs; Sol. Sabine, Bristol.—Pet. f. Dec. 3.

JOHN HORNBY, Liverpool, grocer, Dec. 31 at 3, Liverpool: Off. Ass. Hime; Sol. Etty, Liverpool.—Pet. f. Dec. 4.

JAMES DUFFY, Manchester, chair maker, Dec. 21 at 11, Manchester: Off. Ass. Kay; Sol. Eltoft, Manchester.



- JAMES BRICE**, Bristol, auctioneer, Dec. 20 at 2, Bristol: Off. Ass. Harley & Gibbs; Sol. Raper, Bristol.—Pet. f. Dec. 3.
- ROBERT WILLIAMS**, Liverpool, labourer, Dec. 30 at 3, Liverpool: Off. Ass. Hime; Sol. Grocott, Liverpool.—Pet. f. Dec. 2.
- THOMAS KINGSTON**, Manchester, journeyman watch-maker, Dec. 21 at 11, Manchester: Off. Ass. Kay; Sol. Gardner, Manchester.—Pet. f. Dec. 3.
- JAMES GROOMER**, Manchester, millwright, Dec. 21 at 11, Manchester: Off. Ass. Kay; Sol. Eltoft, Manchester.—Pet. f. Nov. 29.
- CHARLES SHAKESPEAR** and **JOHN AUDLEY**, Coventry, Warwickshire, ribbon weavers, Jan. 4 at 2, Coventry: Off. Ass. Troughton; Sol. Smallbone, Coventry.—Pet. f. Dec. 2.
- HENRY JOSEPH BLAKE**, Landport, Portsea, Hampshire, carpenter, Dec. 23 at 11, Portsmouth: Off. Ass. the registrar; Sol. Cousins, jun., Portsea.—Pet. f. Dec. 3.
- JOSEPH WALTER RALEIGH BAXTER**, Emsworth, Southampton, surgeon, Dec. 23 at 12, Portsmouth: Off. Ass. the registrar; Sol. Way, Portsea.—Pet. f. Dec. 3.
- JOSEPH UNWIN**, Ecclesfield, Yorkshire, tallow chandler, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Hudson, Sheffield.—Pet. f. Dec. 2.
- ELIZABETH PETCHELL** and **CAROLINE PETCHELL**, Sheffield, milliners, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Dec. 3.
- THOMAS FROGGATT**, Sheffield, table-knife cutler, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Dec. 4.
- EDWARD LAWSON**, Sheffield, shoemaker, Dec. 19 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Dec. 4.
- THOMAS SPICER**, Brewood, Staffordshire, farmer, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Ward, Wolverhampton.
- EDWARD BAKER**, Willenhall, Staffordshire, butcher, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Cresswell, Willenhall.
- JOHN WALLETT**, Bilston, Staffordshire, butty miner, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Walker, Wolverhampton.
- WILLIAM SMART**, Bilston, Staffordshire, fruiterer, Dec. 19 at 9, Wolverhampton: Off. Ass. Brown; Sol. Cresswell, Willenhall.
- WILLIAM ANDREW**, Pattrington, Dec. 16 at 12, Hedon: Off. Ass. Iveson; Sol. Harle, Leeds.
- JOE PEACE**, Meltham, Almondsbury, Yorkshire, woollen-cloth weaver, Dec. 19 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Booth, Holmfirth.—Pet. f. Nov. 27.
- WILLIAM DESOER**, Liverpool, team-owner, Dec. 27 at 12, Lancaster: Off. Ass. Dunn; Sol. Gardner, Lancaster and Manchester.—Pet. f. Nov. 19.
- THOMAS CHARLES**, Withington, near Manchester, Lancashire, plumber, Dec. 20 at 1, Stockport: Off. Ass. Coppock; Sol. Dawson, Manchester.—Pet. f. Dec. 4.
- JACOB SMITHERS**, Grayswood, Witley, Surrey, dealer in underwood, Dec. 18 at 12, Godalming: Off. Ass. King; Sol. White, Guildford.—Pet. f. Oct. 17.
- WILLIAM RAWLINGS**, Peterborough, Northamptonshire, agent for the sale of flour, Dec. 17 at 12, Peterborough: Off. Ass. Gaches; Sol. Smedley, Peterborough.—Pet. f. Dec. 4.
- FREDERICK ADAMS**, Peterborough, Northamptonshire, hairdresser, Dec. 17 at 11, Peterborough: Off. Ass. Gaches; Sol. Rutland, Peterborough.—Pet. f. Dec. 4.
- SAMUEL BATTEN**, Peterborough, Northamptonshire, horse-breaker, Dec. 17 at half-past 11, Peterborough: Off. Ass. Gaches; Sol. Rutland, Peterborough.—Pet. f. Nov. 23.
- JOHN JAMBLIN**, the younger, Fletton, Huntingdonshire, photographic artist, Dec. 17 at 10, Stone: Off. Ass. Gaches; Sol. Rutland, Peterborough.—Pet. f. Dec. 2.
- SARAH ASTON**, Stourbridge, Worcestershire, licensed victualler, Dec. 19 at 10, Stourbridge: Off. Ass. Harward; Sol. Maltby, Dudley.—Pet. f. Dec. 3.
- THOMAS EDWARD JENKINSON**, Whitby, Yorkshire, confectioner, Jan. 10 at 2, Whitby: Off. Ass. Buchanan; Sol. Dale, York.—Pet. f. Dec. 3.
- GEORGE HOLMES**, Ashchurch, Gloucestershire, beer-house keeper, Dec. 23 at 2, Tewkesbury: Off. Ass. Brown; Sol. Chesahyre, Cheltenham.—Pet. f. Dec. 2.
- THOMAS SHORT**, Exmoor, Somersetshire, travelling tea dealer, Dec. 9 at 10, South Molton: Off. Ass. Croase; Sol. Floud, Exeter.—Pet. f. Nov. 18.
- WILLIAM MEAD**, Dunstable, Bedfordshire, butcher, Dec. 19 at 12, Luton: Off. Ass. Williamson; Sol. Shepherd, Luton.—Pet. f. Nov. 29.
- WILLIAM FREDERICK JENKINS**, Aldershot, Hampshire, baker, Dec. 18 at 12, Farnham: Off. Ass. Hollett; Sol. Elmalle, 10, Lombard-street, London.—Pet. f. Nov. 28.
- ROBERT ROGERS**, Nottingham, cabinet maker, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Brewin, Nottingham.—Pet. f. Dec. 4.
- GEORGE WOLLARTON**, Gotham, Nottinghamshire, shoemaker, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Everill, jun., Nottingham.—Pet. f. Dec. 3.
- HENRY STEWARD COLEMAN**, Deal, Kent, carpenter, Dec. 18 at 10, Deal: Off. Ass. Hall; Sol. Drew, Deal.—Pet. f. Nov. 30.
- THOMAS BOOTH**, York, licensed victualler, Dec. 17 at 11, York: Off. Ass. Perkins; Sol. Mason, York.—Pet. f. Dec. 2.
- DAVID JEVONS**, Tipton, Staffordshire, innkeeper, Dec. 17 at 10, Dudley: Off. Ass. Walker; Sol. Boddington, Dudley.—Pet. f. Dec. 3.
- HARRIET GOWEN**, widow, Colchester, Essex, shoemaker, Dec. 18 at 11, Colchester: Off. Ass. Barnes; Sol. Philbrick, Colchester.—Pet. f. Dec. 3.
- JOHN CHAPLIN**, Wolston, Warwickshire, labourer, Dec. 17 at 11, Rugby: Off. Ass. Hubbard; Sol. Smallbone, Coventry.—Pet. f. Dec. 3.
- TURNBULL HERMESTON RENTON**, Spittle, Berwick-upon-Tweed, house carpenter, Dec. 18 at 2, Berwick-upon-Tweed: Off. Ass. Sanderson; Sol. Douglas, Berwick.—Pet. f. Dec. 2.
- SAMUEL HOWE FAIERS**, Ipswich, Suffolk, furrier, Dec. 18 at 11, Ipswich: Off. Ass. Prettyman; Sol. Pownall, Ipswich.—Pet. f. Nov. 2.
- WILLIAM SEWELL**, Appleby, Westmoreland, cooper, Dec. 23 at 11, Appleby: Off. Ass. Heelis; Sol. Thompson, Appleby.—Pet. f. Dec. 4.
- SIGMUND YAGER**, Plymouth, Devonshire, general dealer, Dec. 16 at 11, East Stonehouse: Off. Ass. Pearce; Sol. Paull & Linton, Plymouth.—Pet. f. Dec. 3.
- ABEL DAVIES**, Wolstanton, Staffordshire, miner, Dec. 18 at 11, Hanley: Off. Ass. Challinor; Sol. Harding, Tunstall.—Pet. f. Dec. 4.
- THOMAS BREEZE**, Stoke-upon-Trent, Staffordshire, of no occupation, Dec. 18 at 11, Hanley: Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Dec. 3.
- JOHN FOWLER SWANN**, Canterbury, Kent, dealer in linseed cake, Dec. 16 at 4, Canterbury: Off. Ass. Callaway; Sol. Thorne De Laseux, Canterbury.—Pet. f. Nov. 21.
- THOMAS UMPLEBY**, Burley Lawn, near Leeds, Yorkshire, cattle dealer, Dec. 20 at 12, Leeds: Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Dec. 4.
- JOHN FRAMLEY**, Hunslet, Inland Revenue officer, Dec. 19 at 12, Leeds: Off. Ass. Sangster; Sols. G. A. & W. Emley, Leeds.—Pet. f. Dec. 3.
- JOSEPH NUTTALL**, Elton within Bury, Lancashire, draper, Dec. 19 at 11, Bury: Off. Ass. Grundy; Sol. Watson, Bury.—Pet. f. Dec. 3.
- JAMES SEPTIMUS CATON**, Bidston, Cheshire, post-office clerk, Dec. 23 at 11, Birkenhead: Off. Ass. Gill; Sol. Bretherton, Liverpool.—Pet. f. Dec. 2.
- WALTER CRANG**, Combmartin, Devonshire, farmer, Dec. 17 at 12, Barnstaple: Off. Ass. Bencraft; Sol. Bencraft, Barnstaple.—Pet. f. Dec. 2.
- JOHN SHAPLAND**, Brauton, Devonshire, veterinary surgeon, Dec. 17 at 12, Barnstaple: Off. Ass. Bencraft; Sol. Bencraft, Barnstaple.—Pet. f. Dec. 2.
- EDWIN MARCHANT**, Burnham, Somersetshire, Dec. 17 at 11, Weston-super-Mare: Off. Ass. Davies.
- THOMAS FACER**, Sulgrave, Northamptonshire, baker, Dec. 20 at 10, Brackley: Off. Ass. Fairthorne; Sols. Rolfe & Pellatt, Banbury.—Pet. f. Dec. 3.
- WILLIAM SLADDEN**, Maidstone, Kent, out of business, Dec. 23 at 11, Tenterden: Off. Ass. Waller; Sol. Morgan, Maidstone.—Pet. f. Dec. 4.
- SAMUEL TURNER**, Maidstone, Kent, out of business, Dec. 17 at 10, Maidstone: Off. Ass. Scudamore; Sol. Morgan, Maidstone.—Pet. f. Dec. 3.



**HENRY NICOL**, Tweedmouth, Berwick-upon-Tweed, agricultural implement maker, Dec. 18 at half-past 2, Berwick-upon-Tweed: Off. Ass. Sanderson; Sol. Douglas, Berwick.—Pet. f. Dec. 3.

**The Rev. ALEXANDER GEORGE BEGBIE**, Beaminster, Dorsetshire, clerk in holy orders, Dec. 26 at 11, Dorchester: Off. Ass. Symonds; Sol. Weston, Dorchester.—Pet. f. Nov. 18.

**ABRAHAM PINCHBECK**, Horncastle, Lincolnshire, bricklayer, Dec. 16 at 10, Horncastle: Off. Ass. Clitherow; Sol. Brown, Lincoln.—Pet. f. Dec. 2.

**DAVID LOVATT**, Tunstall, Wolstanton, Staffordshire, draper, Dec. 18 at 11, Hanley: Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Dec. 5.

**JOHN HARWOOD**, Burnley, Lancashire, cider manufacturer, Dec. 16 at 3, Burnley: Off. Ass. Hartley; Sols. Backhouse & Whittam, Burnley.—Pet. f. Dec. 2.

#### MEETINGS.

*Charles Maddor*, Crescent-place, Burton-crescent, St. Pancras, Middlesex, commission agent, Jan. 7 at half-past 11, London, last ex.—*Isaac Moss*, Penny-fields and King-street, Poplar, Middlesex, shell merchant, Jan. 7 at half-past 12, London, last ex.—*Henry Ready*, Basinghall-street, City, surveyor, Jan. 7 at 12, London, last ex.—*Coleman Van Goor*, Bermondsey-street, Bermondsey, Surrey, dealer in steel pens, Jan. 9 at 12, London, last ex.—*Henry Longden*, Marlborough-place, Kennington-road, Surrey, railway clerk, Jan. 7 at 1, London, last ex.—*Thomas Felsted Fry*, Percy-villas, Wells-street, Hackney, Middlesex, clerk in docks, Jan. 7 at 1, London, last ex.—*John Henry Leverton*, Highbury-street, Poplar, Middlesex, carver, Jan. 2 at 11, London, last ex.—*Emma Frearson*, Brewer-street, Somers-town, Middlesex, draper, Jan. 2 at 1, London, last ex.—*Henry Stammers*, Southminster, Essex, builder, Jan. 7 at 11, London, last ex.—*Laurence Reddy*, Noble-street, City, warehouseman, Jan. 2 at 12, London, last ex.—*Benjamin Regester*, Hampton Wick, Middlesex, licensed victualler, Jan. 7 at 2, London, last ex.—*John Evans*, Essex-street, Hoxton, Middlesex, fancy box maker, Jan. 7 at 2, London, last ex.—*Benedict Barnard* and *Alfred Rosenthal*, Cheapside; Gutter-lane; Lower Whitecross-street, London; and Great Garden-street, Whitechapel, Middlesex, warehousemen, Jan. 9 at 11, London, last ex.—*Wm. Spencer Dodd*, Ventnor, Southampton, plumber, Jan. 7 at half-past 1, London, last ex.—*Joshua Austin Ball*, Binsey, near Oxford, grazier, Jan. 2 at half-past 12, London, last ex.—*Frederick Parker*, Hoxton Old-town, Middlesex, wholesale cabinet manufacturer, Jan. 2 at half-past 11, London, last ex.—*Wm. Holden* and *Wm. Robert Holden*, Southampton, coal merchants, Jan. 2 at half-past 1, London, last ex.—*George Harvey*, Bramshaw, Wiltshire and Hampshire, farmer, Jan. 2 at 12, London, last ex.—*Edwin John Flander*, Albany-road, Camberwell, Surrey, builder, Jan. 7 at 11, London, last ex.—*Samuel Bailes*, George-st., Portman-square, Middlesex, grocer's assistant, Jan. 24 at 11, London, last ex.—*Henry Bernard Chalton*, North-terrace, Alexander-square, Brompton, Middlesex, accountant, Jan. 13 at 1, London, last ex.—*Robert Parker*, Bishopsgate-street Without, City, traveller to a woollen warehouseman, Jan. 21 at 1, London, last ex.—*Henry Grint*, Acre-lane, Brixton, Surrey, Jan. 24 at 12, London, last ex.—*Henry Kains Jackson*, John's-road, Battersea-rise, Surrey, corn merchant, Jan. 13 at 12, London, last ex.—*James Campbell Shaw*, Southampton, iron merchant, Jan. 21 at 2, London, last ex.—*W. Nottingham*, Little Grove-street, Lisson-grove, Marylebone, omnibus conductor, Jan. 13 at 12, London, last ex.—*Thos. Godfrey Chaundy*, Oxford, chemist, Jan. 24 at 12, London, last ex.—*Thomas Rayner*, Old Quebec-street, Portman-square, Middlesex, doctor of medicine, Jan. 24 at 12, London, last ex.—*Thomas Whitworth*, Mortimer-road, Hackney, labourer, Jan. 17 at 1, London, last ex.—*Thos. Barker*, Reigate, Surrey, tailor, Jan. 7 at 1, London, last ex.—*Elizabeth Young*, Mile-end-road, Stepney, Middlesex, cowkeeper, Jan. 14 at 3, London, last ex.—*William Norman*, Peterborough, Northamptonshire, out of business, Jan. 13 at 2, London, last ex.—*Wm. Wilmore Pond*, Knaith-terrace, Devonshire-street, Mile-end, Middlesex, shipbroker, Jan. 17 at 1, London, last ex.—*John Bigsby*, Old Ford, Bow, Middlesex, attorney's clerk, Jan. 24 at 11, London, last ex.—*Leah Arch*, Chapel-street, Tottenham-court-road, Middlesex, Jan. 17 at 12, London, last ex.—*John Kerr*, Leadenhall-street,

City, Jan. 17 at 11, London, last ex.—*Henry Bishop*, St. James's-place, Clerkenwell, Middlesex, Jan. 17 at 12, London, last ex.—*Jesse Cook*, Portdown-road, Maida-hill, Middlesex, Jan. 17 at 12, London, last ex.—*Thos. Geo. Webb*, Bishop Stortford, Hertfordshire, veterinary surgeon, Jan. 21 at 3, London, last ex.—*Mary Easton*, Gravesend, Kent, Jan. 21 at 1, London, last ex.—*Jules Geo. Kammerer*, Bear-street, Leicester-square, Middlesex, victualler, Jan. 13 at 2, London, last ex.—*Robert Coulson*, Goulden-terrace, Barnsbury-road, Islington, Middlesex, Jan. 14 at 2, London, last ex.—*Wm. Henry Craven Allen*, Archbutt-terrace, Chelsea, and Bolton-row, Piccadilly, Jan. 21 at 2, London, last ex.—*Ruth Moore*, North-street, Lambeth, Surrey, Jan. 24 at 11, London, last ex.—*Henry Smith*, St. Thomas-street, Borough, Surrey, Jan. 21 at 12, London, last ex.—*Lydia Marsh*, Gloucester-street, Clerkenwell, Middlesex, dealer in watchmakers' tools, Jan. 1 at 11, London, last ex.—*R. Davis*, Fleming-road, Kennington-park, Surrey, attorney's clerk, Jan. 1 at 2, London, last ex.—*Joseph Baly*, Victoria-road, Lower-road, Islington, Middlesex, commission agent, Jan. 1 at half-past 11, London, last ex.—*Wm. Fowles*, Bermondsey-street, Surrey, butcher, Jan. 1 at 12, London, last ex.—*Frederick Withers Butler*, Alvescott, Oxfordshire, out of business, Jan. 1 at 12, London, last ex.—*Thos. Owen*, Cumming-street, Pentonville, Middlesex, pianoforte maker, Jan. 1 at half-past 12, London, last ex.—*James Bennett*, Norwich, tailor, Jan. 1 at half-past 1, London, last ex.—*Thos. Chas. Gill*, Manchester-street, Manchester-square, Middlesex, out of business, Jan. 1 at half-past 1, London, last ex.—*Samuel Turner*, Deptford, Kent, out of business, Jan. 1 at 1, London, last ex.—*Francis Robert Steadman*, King-street, Finsbury-square, Middlesex; Manchester; and Hull and Bradford, Yorkshire, boot warehouseman, Jan. 1 at 2, London, last ex.—*Thomas Pitt Stokes*, Dudley, Worcestershire, auctioneer, Jan. 13 at 11, Birmingham, last ex.—*William Dunn*, Birmingham, iron broker, Jan. 13 at 11, Birmingham, last ex.—*Wm. Henry White*, Birmingham, builder, Jan. 13 at 11, Birmingham, last ex.—*William Brookes*, Birmingham, shoe manufacturer, Jan. 13 at 11, Birmingham, last ex.—*Frederick Cooper*, Portobello, near Wolverhampton, Staffordshire, innkeeper, Jan. 15 at 11, Birmingham, last ex.—*W. Battin*, Birmingham, licensed victualler, Jan. 13 at 11, Birmingham, last ex.—*Jos. Smith*, Birmingham, porter dealer, Jan. 13 at 11, Birmingham, last ex.—*Wm. Aston*, Handsworth, Staffordshire, locksmith, Jan. 15 at 11, Birmingham, last ex.—*Harriet Whalley*, Castlechurch, Staffordshire, spinster, Jan. 15 at 11, Birmingham, last ex.—*Charles Collins*, Bourn, Lincolnshire, hatter, Jan. 14 at half-past 11, Nottingham, last ex.—*David Howell Davies*, Aberdare, Glamorganshire, grocer, Jan. 13 at 11, Bristol, last ex.—*Chas. Thomas Ash Pavey*, Bristol, accountant, Jan. 14 at 11, Bristol, last ex.—*Isaac Lansdown* the elder, *Isaac Lansdown* the younger, and *Wm. Carter Lansdown*, Wootton Bassett, Wiltshire, builders, Jan. 14 at 11, Bristol, app. for dia.—*Hen. Brookes*, Hardwick, Gloucestershire, cattle salesman, Dec. 31 at 11, Bristol, app. for dia.—*John Williams*, Brecon, maltster, Jan. 13 at 11, Bristol, last ex.—*Wm. Williams*, Oxford-st., Glamorganshire, mining engineer, Jan. 13 at 11, Bristol, last ex.—*Richard Howell*, Bristol, general dealer, Jan. 13 at 11, Bristol, last ex.—*John Bradfield Winn*, Heckmondwike, Birstal, Yorkshire, innkeeper, Jan. 7 at 11, Leeds, last ex.—*Thos. Scott*, Idle, Yorkshire, cloth manufacturer, Jan. 7 at 11, Leeds, last ex.—*Joseph Winterburn*, Idle, Yorkshire, cloth manufacturer, Jan. 7 at 11, Leeds, last ex.—*Richard Raynor*, Barnsley, near Leeds, innkeeper, Jan. 7 at 11, Leeds, last ex.—*Thos. Harmer*, Leeds, joiner, Jan. 7 at 11, Leeds, last ex.—*Samuel Fox*, Leeds, commission agent, Jan. 7 at 11, Leeds, last ex.—*John Jackson*, Swinegate, Leeds, grinder, Jan. 7 at 11, Leeds, last ex.—*T. Thompson*, Bradford, Yorkshire, beerseller, Jan. 7 at 11, Leeds, last ex.—*J. Tierney*, Liverpool, ship bread baker, Jan. 7 at 11, Liverpool, last ex.—*John Roberts*, Nevin, Carnarvonshire, master mariner, Jan. 3 at 11, Liverpool, last ex.—*J. Holt* and *R. Bell*, Tottington, near Bury, Lancashire, cotton spinners, Dec. 31 at 12, Manchester, last ex.—*James Dobbs*, Manchester, innkeeper, Jan. 15 at 12, Manchester, last ex.—*Frederick Law*, Manchester, cornfactor, Jan. 14 at 12, Manchester, last ex.—*Henry Hatch*, Landport, Hampshire, gunner in the royal navy, Dec. 17 at 11, Portsmouth, last ex.—*Wm. Caffin*, Southsea, Portsea, Southampton, tailor, Dec. 17 at 11, Portsmouth, last ex.—*Hazael Welton*, Ditchingham,

Norfolk, machinist, Dec. 17 at 12, Bungay, last ex.—*Edward Noyes*, Chester, carver and gilder, Dec. 20 at 10, Chester Castle, last ex.—*William Roberts*, Chester, out of business, Dec. 20 at 10, Chester Castle, last ex.—*William Whitehouse*, Holywell, Flintshire, ironmonger, Jan. 13 at 11, Holywell, last ex.—*Thomas Henry Bates*, Walsall, Staffordshire, coal dealer, Dec. 18 at 10, Walsall, last ex.—*George Spruce*, Darlaston, Staffordshire, beerseller, Dec. 20 at 10, Walsall, last ex.—*Wm. Holdcroft*, Cheslyn Hay, Staffordshire, miner, Dec. 20 at 10, Walsall, last ex.—*George Jenkins*, Darlaston, Staffordshire, beer-house keeper, Dec. 20 at 10, Walsall, last ex.—*Charles Lines*, Hollington, Staffordshire, licensed victualler, Dec. 19 at 11, Cheadle, last ex.—*John Peter Bibby*, Lancaster, inspector of railway police, Dec. 27 at 10, Lancaster, last ex.—*Wm. Kennedy*, Lancaster, bricklayer, Dec. 27 at 10, Lancaster, last ex.—*Richard Inman*, Huddersfield, manufacturer of cordials, Jan. 16 at 10, Huddersfield, last ex.—*John Bailey*, Huddersfield, woollen manufacturer, Jan. 16 at 10, Huddersfield, last ex.—*Frederick Denton*, Huddersfield, flogger, Jan. 16 at 10, Huddersfield, last ex.—*Jervis Roebuck*, Huddersfield, dyer, Jan. 16 at 10, Huddersfield, last ex.—*G. W. Wood*, Huddersfield, grocer, Jan. 16 at 10, Huddersfield, last ex.—*W. Hogg*, Manningtree, Essex, licensed dealer in beer, Jan. 22 at 12, Colchester, last ex.—*William Pitt*, Colchester, Essex, licensed victualler, Jan. 22 at 12, Colchester, last ex.—*Walter John Mills*, Messing, Essex, veterinary surgeon, Jan. 22 at 12, Colchester, last ex.—*Evan Thomas*, St. Fagans, near Cardiff, Glamorganshire, butcher, Jan. 24 at 10, Cardiff, last ex.—*John Golledge*, Cardiff, Glamorganshire, dealer in stationery, Jan. 24 at 10, Cardiff, last ex.—*William Canler*, Nedging, Suffolk, in no business, Jan. 17 at 10, Ipswich, last ex.—*Daniel Fegan*, Bishop's Auckland, Durham, mattress manufacturer, Dec. 20 at 10, Bishop's Auckland, last ex.—*George Rands*, Werrington, Northamptonshire, farmer, Dec. 16 at 12, Peterborough, last ex.—*John Forth*, Eyc, Northamptonshire, innkeeper, Dec. 16 at 12, Peterborough, last ex.—*Wm. Gray*, Frostenden, Suffolk, woodman, Dec. 18 at 11, Halesworth, last ex.—*Walter L. Croxford*, Birmingham, milliner, Dec. 20 at 10, Birmingham, last ex.—*George Harman*, Birmingham, assistant to a licensed victualler, Dec. 20 at 10, Birmingham, last ex.—*Thomas Rivitt*, Burbage, Leicestershire, grocer, Jan. 16 at 11, Hinckley, last ex.—*William Hallworth*, Godley, Lancashire, labourer, Dec. 18 at 12, Hyde, last ex.—*Emma Williams*, New Brighton, Cheshire, out of business, Jan. 14 at 10, Birkenhead, last ex.—*John Hudson* the elder, Snape, Suffolk, labourer, Dec. 19 at 11, Framlingham, last ex.—*John Corbett*, Sheepshhead, Leicestershire, grocer, Jan. 11 at 11, Loughborough, last ex.—*Thomas Plumb*, Northampton, licensed victualler, Jan. 8 at 11, Northampton, last ex.—*Benedict Barnard* and *Alfred Roenethall*, Cheapside and Lower Whitecross-street, City, and Great Garden-street, Whitechapel, Middlesex, warehousemen, Dec. 18 at 11, London, div.—*George Penton*, Basingstoke, Hampshire, maltster, Dec. 23 at 11, London, aud. ac.—*Thomas Ragg*, Dawley, Shropshire, clerk in orders, Jan. 13 at 11, Birmingham, aud. ac.—*Edward David*, Bridgend, Glamorganshire, innkeeper, Jan. 17 at 11, Bristol, aud. ac.—*Edward West*, Hitchin, Hertfordshire, draper, Dec. 27 at 11, London, div.—*Thomas Germain*, Gracechurch-street, City, Italian warehouseman, Dec. 27 at half-past 11, London, div.—*Henry Bateman*, Old Broad-street, City, timber merchant, Dec. 27 at 12, London, div.—*William Braddon*, Holloway, Middlesex, coal merchant, Dec. 27 at half-past 11, London, div.—*M. Wood*, Barnsley, Yorkshire, plumber, Dec. 23 at 11, Leeds (and not Kingston-upon-Hull, as previously advertised), div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*William White*, Wolsey-terrace, Kentish-town, Middlesex: builder, Dec. 27 at half-past 11, London.—*Abel Pilgrim*, Stanley-road, St. Thomas's-square, Hackney, Middlesex, builder, Dec. 27 at 2, London.—*James Weir*, Albert-square, Commercial-road East, Middlesex, merchant, Jan. 1 at 12, London.—*Thomas Peaton Peterson*, Bristol, and Downend, Gloucestershire, scrivener, Jan. 13 at 11, Bristol.—*Andrew Holden*, *George Holden*, *Richard Holden*, *Amon Holden*, and *William Holden*, Blackburn, Lancashire, cotton manufacturers, Jan. 8 at 12, Manchester.

*To be granted, unless an Appeal be duly entered.*

*John Platt*, Oldham, Lancashire, furniture dealer.—*Thos. Hard*, Burnley, Lancashire, timber merchant.—*Wm. Japen* and *D. Pickup*, Blackburn, Lancashire, cotton manufacturers.—*Charles Cockayne*, Burntwood, Staffordshire, builder.—*Alfred Blow*, Birmingham, mill-band maker.—*Thomas Corbett*, Birmingham, licensed victualler.—*John Banfield*, Handsworth, Staffordshire, organ builder.—*Thomas Smith*, Manchester, silk finisher.—*William Mortimore*, St. Mary-axe, City, leather factor.—*Raymond D'Arcy Newton*, Warwick-square, City, advertising agent.—*Joseph Thickbroom*, Paternoster-row, City, bookseller.—*Thomas North*, Brighton, Sussex, contractor.—*Charles Nicholson* and *William Stone*, Cannon-street, City, warehousemen.—*Daniel William Taylor*, Swansea, Glamorganshire, victualler.—*Henry W. Jones*, Wrexham, Denbighshire, draper.—*James Worsell*, Buerill Head, near Rochdale, Lancashire, licensed victualler.—*George Moorhouse*, *Thomas Moorhouse*, *William Moorhouse*, and *Robert Moorhouse*, Barley and Byerden Mills, near Burnley, Lancashire, cotton manufacturers.

#### PETITION ANNULLED.

*Henry Alabaster*, Stratford New-town, Essex, baker.

#### PARTNERSHIPS DISSOLVED.

*William Robinson* and *John Bellamy Micalfe*, Richmond and Reeth, Yorkshire, attorneys and solicitors.—*Therney Clark Matthies* and *Wm. Orlando Stoten*, Arthur-street West, City, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James B. Crense*, Hongate-mills, Jedburgh, manufacturer.—*Robert Bell*, Ruthvenfields, near Perth, calico printer.—*John Irvine*, Glasgow, boot maker.—*W. & G. Dobbie*, Glasgow, watchmakers.—*David Pirie*, deceased, Aberdeen, commission agent.—*Forbes, Milne, & Co.*, Buckie, Banffshire, sail manufacturers.

#### TUESDAY, Dec. 10.

#### BANKRUPTS.

JOSEPH TEMPLE, Mortlake, Surrey, grocer, Dec. 23 at 11, London: Off. Ass. Bell; Sol. Oliver, Richmond.—Pet. f. Dec. 7.

EDGAR WILLIAMS YARROW, Arundel-square, Islington, Middlesex, mercantile clerk, Dec. 23 at half-past 12, London: Off. Ass. Bell; Sol. Lindo, 47A, Moorgate-street.—Pet. f. Dec. 9.

EDWARD GILL, Walthamstow, Essex, omnibus proprietor, Dec. 23 at 11, London: Off. Ass. Bell; Sol. Beard, 10, Basinghall-street.—Pet. f. Dec. 9.

CHARLES UTTING, Park-street, Camberwell, Surrey, shorthand writer, Dec. 23 at 11, London: Off. Ass. Bell; Sol. Beard, 10, Basinghall-street.—Pet. f. Dec. 6.

PETER WARD, Red Lion-street, Holborn, and Oxford-street, Middlesex, chemist (a prisoner in Whitecross-street Prison), Dec. 27 at 11, London: Off. Ass. Bell.—Pet. f. Dec. 10.

CHARLES HUNT, Spring-street, Paddington, Middlesex, house decorator, Dec. 23 at 12, London: Off. Ass. Johnson; Sol. Herring, 17, Stafford-street, Marylebone-road.—Pet. f. Dec. 7.

FREDERICK WILLIAM EVANS, Union-row, New Kent-road, Surrey, cab driver, Dec. 20 at 12, London: Off. Ass. Johnson; Sol. Terry, 6, Bedford-row.—Pet. f. Dec. 3.

HENRY BOND, Fressingfield, Suffolk, grocer, Dec. 23 at 12, London: Off. Ass. Johnson; Sols. Brook, Diss, Norfolk; Reade, 61, Lincoln's-inn-fields, London.—Pet. f. Dec. 6.

WILLIAM HENRY GRAVES, Northwold, near Brandon, Norfolk, ironmonger, Dec. 23 at half-past 11, London: Off. Ass. Johnson; Sols. Nichols & Clark, Cook's-court.—Pet. f. Dec. 7.

JAMES MATTHEWS, Edward-terrace, Caledonian-road, Middlesex, hosier, Dec. 23 at 10, London: Off. Ass. Cannan; Sol. Courtenay, 9, Gracechurch-street.—Pet. f. Dec. 6.

WILLIAM COLLINS, Dean-street, Soho, Middlesex, cabinet manufacturer, Dec. 21 at 1, London: Off. Ass. Pennell; Sols. Gibbs & Tucker, 17, Clement's-lane, Lombard-street, London.—Pet. f. Dec. 5.

EMANUEL GRONDONA, Albany-street, Regent's-park, Middlesex, cook, Dec. 21 at 10, London: Off. Ass. Pennell; Sol. Holt, Quality-court, Chancery-lane, London.—Pet. f. Dec. 4.

- ROBERT STEWARD RILEY** and **JAMES EDWARD GINNER**, Upper East Smithfield, Middlesex, coal merchants, Dec. 21 at half-past 1, London: Off. Ass. Pennell; Sol. Chidley, 25, Old Jewry, London.—Pet. f. Dec. 6.
- JOHN BARTON**, Bookham-street, Hoxton, Middlesex, merchant's clerk, Dec. 21 at half-past 1, London: Off. Ass. Pennell; Sols. Paterson & Longman, 3, Winchester-buildings, London.—Pet. Dec. 5.
- WORTHY SAMUEL PORTCH**, Henry-street, Hampstead-road, Middlesex, cheesemonger, Dec. 21 at half-past 12, London: Off. Ass. Pennell; Sols. Buchanan, 1, Walbrook-buildings, London; Runacles, Brighton.—Pet. f. Dec. 4.
- JOHN ELLISON**, New-street, Bedford-square, Commercial-road East, and High-street, Poplar, Middlesex, furnishing warehouseman, Dec. 21 at half-past 11, London: Off. Ass. Pennell; Sol. Philip, 26, Bucklersbury, London.—Pet. f. Dec. 4.
- WALTER PEAKE**, Newnham-street, Edgware-road, Middlesex, dressing-case maker, Dec. 21 at 10, London: Off. Ass. Pennell; Sol. Marshall, 12, Hatton-garden.—Pet. f. Dec. 3.
- ANTHONY BLANCHARD PIKE**, Greenwich, Kent, clerk in her Majesty's dockyard, Dec. 21 at 2, London: Off. Ass. Pennell; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. Dec. 7.
- GEORGE THOROGOOD**, Romford, Essex, carpenter, Dec. 21 at 12, London: Off. Ass. Pennell; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 3.
- JAMES GREEN**, Luard-street, Caledonian-road, Islington, Middlesex, hackney-carriage driver (a prisoner in Whitecross-street Prison), Dec. 21 at 10, London: Off. Ass. Pennell.—Pet. f. Dec. 6.
- ALFRED WARREN**, Rokeby-road, Deptford, Kent, warehouseman's assistant, Dec. 21 at half-past 10, London: Off. Ass. Pennell; Sol. Porter, 39, Coleman-street, City.—Pet. f. Dec. 7.
- WILLIAM STEPHEN CHARLES WHITE BASSETT**, Sheerness, Kent, grocer, Dec. 21 at half-past 11, London: Off. Ass. Pennell; Sol. Tonge, 8, New-inn, Strand.—Pet. f. Dec. 6.
- PIERRE MARINS RODIGUE**, Little Tower-street, City, wine merchant, Dec. 21 at 10, London: Off. Ass. Pennell.—Pet. f. Dec. 10.
- JOSEPH MORTIMER**, Hornsey-street, Holloway-road, Middlesex, stone merchant, Jan. 1 at half-past 11, London: Off. Ass. Graham; Sol. Harcourt, 2, King's-arms-yard, London.—Pet. f. Dec. 7.
- OLIVER CROMWELL SETCHELL**, Sidmouth-street, Gray's-inn-road, Middlesex, draper, Jan. 1 at half-past 12, London: Off. Ass. Graham; Sols. Langford & Marsden, 56, Friday-street, Cheapside.—Pet. f. Dec. 9.
- FRANCIS DEACON WILSON**, Trafalgar-road, Old Kent-road, Surrey, accountant, Dec. 24 at half-past 2, London: Off. Ass. Graham; Sol. Reed, 3, Gresham-street, London.—Pet. f. Dec. 7.
- JOHN WATKINS**, Wellington-road West, Kentish-town, and Dances-inn, Strand, Middlesex, engraver on wood, Dec. 31 at 2, London: Off. Ass. Graham; Sol. Marshall, 12, Hatton-garden, London.—Pet. f. Dec. 6.
- WILLIAM FRY**, Mount-court, Westmoreland-road, Walworth, Surrey, journeyman baker, Dec. 31 at half-past 1, London: Off. Ass. Graham; Sol. Chipperfield, 3, Trinity-street, Southwark.—Pet. f. Dec. 5.
- HENRY WILLIAM PORTER**, Lamb's-buildings, Chiswell-street, Middlesex, engraver (a prisoner in Whitecross-street Prison), Dec. 31 at 12, London: Off. Ass. Graham; Sols. Aldridge & Bromley, 46, Moorgate-street, London.—Pet. f. Dec. 6.
- GEORGE RICHARDSON**, Horsham and Brighton, Sussex, musical instrument seller, Jan. 1 at 12, London: Off. Ass. Stansfeld; Sols. Rawlinson, Horsham, Sussex; Patteson & Cobbold, 17 and 18, New Bridge-street, Blackfriars, London.—Pet. f. Dec. 9.
- JOHN ARMFIELD**, Addington-road, Bow, Middlesex, clerk to a commission agent, Jan. 1 at 11, London: Off. Ass. Stansfeld; Sol. Stoddart, 21, Arbour-street East, Stepney, London.—Pet. f. Dec. 7.
- THOMAS CAMPKIN**, Victoria Dock-road, Plaistow-marsh, Essex, draper, Dec. 31 at 1, London: Off. Ass. Stansfeld; Sols. Tippetts & Son, 2, Sise-lane, London.—Pet. f. Dec. 3.
- CHARLES WEEDON**, New Inn-yard, Marylebone, Middlesex, job master, Dec. 24 at half-past 10, London: Off. Ass. Stansfeld; Sol. Sydney, Circus-place, Finsbury, London.—Pet. f. Dec. 4.
- JOHN TUNBRIDGE**, St. George's-circus, Blackfriars-road, Surrey, baker, Dec. 31 at half-past 12, London: Off. Ass. Stansfeld; Sol. Wyatt, 2, Copthall-buildings, London.—Pet. f. Dec. 5.
- SAMUEL GODFREY**, Well-street, Falcon-square, City, bonnet shape manufacturer (trading as Samuel Godfrey & Co.), Dec. 31 at half-past 10, London: Off. Ass. Stansfeld; Sol. Marshall, 12, Hatton-garden, London.—Pet. f. Dec. 6.
- EDWIN GREEN**, Marsh Gibbon, Buckinghamshire, schoolmaster, Jan. 1 at 1, London: Off. Ass. Stansfeld; Sols. Mills & Son, Bicester; Lawrance & Co., 14, Old Jewry-chambers, London.—Pet. f. Dec. 9.
- ROBERT M'KENZIE**, Cecil-street, Strand, Middlesex, out of business, Dec. 28 at half-past 11, London: Off. Ass. Stansfeld; Sol. Philbrick, 39, Basinghall-street, London.—Pet. f. Dec. 10.
- WILLIAM DUNCAN**, High-street, Bloombury, Middlesex, eating-house keeper (a prisoner in the Debtors Prison, London), Dec. 26 at 10, London: Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane, London.—Pet. f. Dec. 7.
- PETER MORRISON**, Pall-mall East; Southampton-street, Strand; and Porchester-square, Hyde-park, Middlesex, banker, Dec. 27 at 10, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater & Co., 7, Walbrook, London.—Pet. f. Nov. 27.
- JOSEPH LUSH**, Angelsea-yard, Haymarket, Middlesex, carman, Dec. 23 at 3, London: Off. Ass. Edwards; Sol. Fereday, 34, Bedford-row, London.—Pet. f. Dec. 9.
- THOMAS MOORE**, Goodman's-yard, Minorities, City, wheelwright, Dec. 23 at 2, London: Off. Ass. Edwards; Sol. Dubois, 66, Coleman-street, London.—Pet. f. Dec. 9.
- ROBERT KNIGHT BLUNSOM**, Thrapstone, Northamptonshire, commercial traveller, Dec. 23 at 2, London: Off. Ass. Edwards; Sols. Murphy & Sharman, Wellingborough; Stocken, 61, Cornhill, London.—Pet. f. Dec. 7.
- ROBERT MORRISON**, Upper Gloucester-street, Dorset-square, Middlesex, clerk in the Audit Office, Somerset House, Dec. 23 at 10, London: Off. Ass. Edwards; Sol. Marshall, 12, Hatton-garden, London.—Pet. f. Dec. 6.
- GEORGE REANEY**, Smith-street, Clerkenwell, Middlesex, cutler, Dec. 23 at 2, London: Off. Ass. Edwards; Sol. Marshall, 12, Hatton-garden, London.—Pet. f. Dec. 6.
- JAMES RABY**, Ockendon-road, Southgate-road, Middlesex, builder, Dec. 23 at 10, London: Off. Ass. Edwards; Sols. Lawrence & Co., 12, Bread-street, Cheapside, London.—Pet. f. Dec. 6.
- CHARLES CHAMBERS**, Heath-street and Church-row, Hampstead, Middlesex, builder, Dec. 26 at 10, London: Off. Ass. Edwards; Sols. Howard & Co., 66, Paternoster-row, London.—Pet. f. Nov. 29.
- JOHN JACKSON**, Cross-street, Hatton-garden, Middlesex, coffee-house keeper (a prisoner in the Debtors Prison for London and Middlesex), Dec. 28 at 10, London: Off. Ass. Edwards.—Pet. f. Dec. 10.
- ROBERT RAINEY**, Birmingham, livery-stable keeper, Dec. 23 at 12, Birmingham: Off. Ass. Whitmore; Sol. Suckling, Birmingham.—Pet. f. Dec. 3.
- EDWARD WILSON**, Birmingham, stationer, Jan. 3 at 11, Birmingham: Off. Ass. Whitmore; Sol. Suckling, Birmingham.—Pet. f. Dec. 9.
- GEORGE HADLEY**, Rowley Regis, Staffordshire, licensed victualler, Dec. 20 at 11, Birmingham: Off. Ass. Kinnear; Sol. Jackson, West Bromwich.—Pet. f. Dec. 3.
- WILLIAM BARRON**, Gellidowell, Swansea, Glamorgan-shire, nurseryman, Dec. 23 at 12, Bristol: Off. Ass. Acraman; Sol. Taddy, Bristol.—Pet. f. Dec. 7.
- JOHN FRASER**, Pen-y-park, Llantarnam, Monmouthshire, farmer, Dec. 30 at 12, Bristol: Off. Ass. Miller; Sols. Abbot & Co., Bristol.—Pet. f. Dec. 9.
- ANDREW DYER**, Corfe Castle, Dorsetshire, surgeon, Dec. 24 at 11, Exeter: Off. Ass. Hirtzel; Sols. Weston, Dorchester; Terrell, Exeter.—Pet. f. Dec. 4.
- JOHN JACKMAN NEWCOMBE**, Stoke, Devonport, Devonshire, coach proprietor, Dec. 21 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Chapman, Devonport; Laidman, Exeter.—Pet. f. Nov. 27.

- WILLIAM VAN TRUMP, North Petherton, Somersetshire, farmer, Dec. 24 at 11, Exeter: Off. Ass. Hirtzel; Sols. Reed, Bridgwater; Clarke, Exeter.—Pet. f. Dec. 9.
- JAMES HOLMES FURNEAUX, Devonport, Devonshire, commander in the Royal Navy, Dec. 21 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sols. Beer & Rundle, Devonport; Hartnoll, Exeter.—Pet. f. Dec. 6.
- EDWARD BUSFIELD, Holbeck, Leeds, Yorkshire, cloth manufacturer, Dec. 23 at 11, Leeds: Off. Ass. Carrick; Sols. Middleton & Son.—Pet. f. Nov. 30.
- WILSON RILEY, Todmorden, Yorkshire, tailor, Dec. 23 at 11, Leeds: Off. Ass. Carrick; Sols. Clough, Huddersfield; Simpson, Leeds.—Pet. f. Dec. 5.
- WILLIAM HENRY GRIER, Staithes, Hinderwell, Yorkshire, cooper, Dec. 20 at 11, Leeds: Off. Ass. Young; Sols. Gray & Pannett, Whitby; Bond & Barwick, Leeds.—Pet. f. Dec. 6.
- SETH GREGORY, Filey, Yorkshire, innkeeper, Dec. 20 at 11, Leeds: Off. Ass. Young; Sols. Donner & Woodall, Scarborough; Bond & Barwick, Leeds.—Pet. f. Dec. 5.
- JOHN MARTINDALE, Chesterfield, Derbyshire, travelling draper, Dec. 21 at 11, Sheffield: Off. Ass. Young; Sol. Unwin, Sheffield.—Pet. f. Dec. 7.
- GEORGE MASON, Sheffield, razor blade forger, Dec. 21 at 11, Sheffield: Off. Ass. Young; Sol. Broadbent, Sheffield.—Pet. f. Dec. 7.
- WILLIAM HIGGINBOTTOM, Whittington, Derbyshire, dealer in ironstone, Dec. 21 at 11, Sheffield: Off. Ass. Young; Sol. Unwin, Sheffield.—Pet. f. Nov. 30.
- ANN OAKES, Sheffield, shoe dealer, Dec. 21 at 11, Sheffield: Off. Ass. Young; Sol. Broomhead, Sheffield.—Pet. f. Dec. 5.
- DANIEL BURTON WALDEGRAVE the younger, Spilsby, Lincolnshire, draper, Dec. 18 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Atkinson & Co., Manchester; Bond & Barwick, Leeds.—Pet. f. Nov. 23.
- FREDERICK SMITH BROWN, Kingston-upon-Hull, merchant, Dec. 18 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Galloway, Kingston-upon-Hull.—Pet. f. Dec. 2.
- EDWARD WHEELER LAWRENCE, Liverpool, auctioneer, Dec. 23 at 11, Liverpool: Off. Ass. Turner; Sol. Thornley, Liverpool.—Pet. f. Nov. 6.
- WILLIAM HUGHES YEOWARD, Liverpool, shipbroker, Dec. 23 at 12, Liverpool: Off. Ass. Morgan; Sol. Stone, Liverpool.—Pet. f. Dec. 7.
- MARK BLOOM, Manchester, furniture dealer, Dec. 23 at 12, Manchester: Off. Ass. Hernaman; Sol. Gardner, Manchester.
- HENRY STIRKE, Manchester, and Sale, Cheshire, attorney, Dec. 21 at 11, Manchester: Off. Ass. Pott; Sol. Garnde, Manchester.—Pet. f. Dec. 5.
- FREDERICK SUGDEN, Oldham, Lancashire, machinist, Dec. 21 at 11, Manchester: Off. Ass. Pott; Sol. Swan, Manchester.—Pet. f. Dec. 5.
- JOHN POSTLETHWAITE, Ulverston, Lancashire, hooper, Dec. 23 at 12, Ulverston: Off. Ass. Fraser; Sols. Postlethwaite, Ulverston; Cobbett & Wheeler, Manchester.—Pet. f. Nov. 29.
- WILLIAM COLLINSON, Black Hill, Durham, draper, Dec. 23 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Welford, Newcastle-upon-Tyne; Nichol & Clark, 9, Cook's-court, Lincoln's-inn, London.—Pet. f. Nov. 13.
- FREEMAN COHEN and LEWIS COHEN, Newcastle-upon-Tyne, clothiers, Dec. 20 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Dec. 5.
- HENRY HUDSON, Birmingham, iron brazier, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Dec. 7.
- JOHN COOK, Birmingham, builder, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Dec. 5.
- THOMAS COLLINS, Balsall-leath, Worcestershire, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sols. East & Parry, Birmingham.—Pet. f. Dec. 7.
- HENRY JOHN WILLIAMS, Bristol, commercial traveller, Dec. 20 at 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Sabine, Bristol.—Pet. f. Dec. 6.
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- ANTHONY HODDER, Bristol, carpenter, Dec. 20 at 2, Bristol: Off. Ass. Harley & Gibbs; Sol. Ayre, jun., Bristol.—Pet. f. Dec. 6.
- EDWARD OLDHAM, Blackley, near Manchester, butcher, Jan. 3 at 1, Manchester: Off. Ass. Kay; Sol. Rowley, Manchester.—Pet. f. Dec. 4.
- THOMAS HANCOCK, Newton Heath, near Manchester, dyer, Jan. 3 at 1, Manchester: Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. Dec. 5.
- WILLIAM GREEN, Hurst, near Twyford, Berkshire, carrier, Dec. 21 at 1, Reading: Off. Ass. Hobbs; Sol. Marshall, 12, Hatton-garden, London.—Pet. f. Dec. 5.
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- MARIA CULLEN, Beccles, Suffolk, schoolmistress, Dec. 27 at 12, Beccles: Off. Ass. Fiske; Sol. Seago, Lowestoft.—Pet. f. Dec. 6.
- RICHARD MILLS, Sedgley, Staffordshire, beer-house keeper, Dec. 19 at 10, Dudley: Off. Ass. Walker; Sol. Beaton, Dudley.—Pet. f. Dec. 5.
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- WILLIAM WOODWARD, West Bromwich, Staffordshire, out of business, Dec. 17 at 10, Oldbury: Off. Ass. the registrars; Sol. Jackson, West Bromwich.—Pet. f. Dec. 4.
- THOMAS HARRIS, Stafford, baker, Dec. 24 at 11, Stafford: Off. Ass. Spilsbury; Sol. Barber.—Pet. f. Dec. 5.
- WILLIAM BURTON, Tunbridge Wells, Kent, bookbinder, Dec. 19 at 12, Tunbridge Wells: Off. Ass. Alleyne; Sol. Simpson, Tunbridge Wells.—Pet. f. Nov. 30.
- HENRY KNIGHT, Portsmouth, assistant paymaster in the Royal Navy, Dec. 23 at half-past 11, Portsmouth: Off. Ass. the registrar; Sol. Cousins, jun., Portsea.—Pet. f. Nov. 30.
- DANIEL THOMAS SPENCE, Landport, Portsea, Hampshire, boatswain in the Royal Navy, Dec. 23 at half-past 10, Portsmouth: Off. Ass. the registrar; Sol. Cousins, jun., Portsea.—Pet. f. Dec. 5.
- THOMAS TURRALL, Coventry, Warwickshire, cattle dealer, Jan. 4 at 2, Coventry: Off. Ass. Troughton; Sol. Smallbone, Coventry.—Pet. f. Dec. 4.
- DAVID COOPER, Gainsborough, Lincolnshire, baker, Dec. 20 at 11, Gainsborough: Off. Ass. Burton; Sol. Bladon.—Pet. f. Dec. 7.
- WILLIAM SIMPSON, Tunstall, Wolstanton, Staffordshire, greengrocer, Dec. 21 at 11, Hanley: Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Dec. 6.
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- WILLIAM EMBRY, Walcot, Bath, carpenter, Dec. 24 at 11, Bath: Off. Ass. Smith; Sol. Bartram, Bath.—Pet. f. Dec. 6.
- DAVID JONES, Goyallt, Mothvey, Carmarthenshire, farmer, Dec. 23 at 2, Llandovery: Off. Ass. Jones; Sol. Bishop, Brecknock.—Pet. f. Dec. 6.
- MORGAN PROSSER, Mothney, Carmarthenshire, licensed victualler, Dec. 23 at 2, Llandovery: Off. Ass. Jones; Sol. Bishop, Brecknock.—Pet. f. Dec. 6.
- WILLIAM DAVIES, Northop, Flintshire, wheelwright, Jan. 14 at 12, Mold: Off. Ass. Eytton; Sol. Cartwright, Chester.—Pet. f. Dec. 3.
- JOHN USHER, Manchester, tailor, Dec. 21 at 10, Salford: Off. Ass. Hulton; Sol. Reddick, Manchester.—Pet. f. Dec. 5.
- JOHN FELTUS, Salford, Lancashire, beerseller, Dec. 21 at half-past 10, Salford: Off. Ass. Hulton; Sol. Boots, Manchester.—Pet. f. Dec. 7.
- JOHN HEMMING, Knowle, Warwickshire, painter, Dec. 14 at 10, Solihull: Off. Ass. Harding; Sols. Parry & East, Birmingham.—Pet. f. Nov. 26.
- WILLIAM HUNT, Norwich, bookseller, Dec. 18 at 11, Norwich: Off. Ass. Palmer; Sol. Sadd, jun., Norwich.—Pet. f. Dec. 4.
- SAMUEL HOLLIDAY, Pudsey, Yorkshire, coal agent, Dec. 20 at 11, Bradford: Off. Ass. Robinson; Sols. Ferry & Watson, Bradford.—Pet. f. Dec. 5.
- THOMAS BOWEN, Kerry, Montgomeryshire, Dec. 23 at 2, Welchpool: Off. Ass. Harrison.

**FREDERICK GEORGE MASTIN**, Holbeach, Lincolnshire, butcher, Dec. 18 at 2, Holbeach: Off. Ass. Caparn; Sol. Percival, Spalding.—Pet. f. Dec. 5.

**JOHN CHITTY**, Southampton, farmer, Dec. 23 at 12, Southampton: Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Dec. 7.

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**DAVID ROBINSON**, Lincoln, joiner, Dec. 23 at 12, Lincoln: Off. Ass. Uppley; Sols. Brown & Son, Lincoln.—Pet. f. Dec. 5.

**SAMUEL HARDY**, Manchester, out of business, Jan. 3 at 1, Manchester: Off. Ass. Coppock; Sol. Bent, Manchester.—Pet. f. Dec. 5.

**RICHARD BURY**, Little Bolton, Lancashire, finisher, Dec. 23 at 10, Bolton: Off. Ass. Holden; Sols. Winder & Broadbent, Bolton.—Pet. f. Dec. 7.

**JOSEPH RIPPON**, Boston, Lincolnshire, engine driver, Dec. 21 at 8, Boston: Off. Ass. Staniland; Sol. White, Boston.—Pet. f. Dec. 5.

**THOMAS WEARNE**, Hayle, Phillack, Cornwall, mason, Dec. 26 at 11, Redruth: Off. Ass. Peter; Sol. Stephenson, Redruth.—Pet. f. Dec. 7.

## MEETINGS.

**William Woodthorpe**, William-street, Peter-street, Islington, Middlesex, carman, Jan. 4 at 11, London, last ex.—**Thos. Fairfax**, Great Prescott-st., Goodman's-fields, Whitechapel, Middlesex, carman, Jan. 4 at half-past 12, London, last ex.—**David Frankenstein**, Bloomfield-street, City, Jan. 4 at 11, London, last ex.—**Thomas Bulkeley**, Hammersmith, Middlesex, Jan. 9 at half-past 12, London, last ex.—**Edwin Mortlock**, Aldermanbury, City, manufacturer of fancy goods, Jan. 23 at 1, London, last ex.—**Henry Brook Naylor**, Wellington-place, Southampton-street, Camberwell, Surrey, plumber, Jan. 23 at 1, London, last ex.—**Geo. Watkins Watts**, Devonshire-terrace, Notting-hill, and Sidney-st., Brompton, Middlesex, dealer in Berlin wool, Jan. 23 at 2, London, last ex.—**Charles Drake**, Queen's-terrace, Dalston, and Robertson's-row, High-st., Kingland, attorney-at-law, Jan. 23 at 1, London, last ex.—**Francis Goldthorpe**, Merton, Surrey, cabinet maker, Jan. 23 at 11, London, last ex.—**John Tichner**, Kingston-upon-Thames, Surrey, fishmonger, Jan. 23 at 11, London, last ex.—**Joseph Ingall**, Corporation-lane, Clerkenwell, Middlesex, carpenter, Jan. 23 at 12, London, last ex.—**John Jamieson**, Great Carter-lane, Doctors'-commons, City, Jan. 23 at 12, London, last ex.—**Arthur Hewitt**, London-road, Southwark, Surrey, furniture dealer, Jan. 23 at 12, London, last ex.—**Benjamin Hort**, Harwood-street, Hampstead-road, Middlesex, bootmaker, Jan. 3 at 1, London, last ex.—**Daniel Callahan**, James-street, Oxford-street, Middlesex, green-grocer, Jan. 7 at 3, London, last ex.—**Henry Winter**, Camden-street, St. Pancras, Middlesex, gentleman, Jan. 7 at 11, London, last ex.—**Wm. Perrin**, East Malling, Kent, farmer, Jan. 7 at half-past 12, London, last ex.—**Robert Buscall**, Cadham, near Bromley, Kent, farmer, Jan. 7 at half-past 11, London, last ex.—**John Parsons**, Little Britain, City, tailor, Jan. 7 at 12, London, last ex.—**George Jean De Winton De Winton**, Milk-street, Cheap-side, City, woollen warehouseman, Jan. 7 at 1, London, last ex.—**Francis Louis Leyer**, Great George-street, Bermondsey, Surrey, enameller, Jan. 3 at 11, London, last ex.—**Henry R. Hamp**, Milcome, Oxfordshire, farmer, Jan. 7 at 2, London, last ex.—**Wm. Stevens**, Lupus-street, Pimlico, Middlesex, commission agent, Jan. 7 at half-past 2, London, last ex.—**Charles Henry Joberne**, Martin's-lane, Cannon-street, City, out of employ, Jan. 7 at half-past 1, London, last ex.—**George Wilkesaret**, Birmingham, surgeon, Jan. 13 at 11, Birmingham, last ex.—**W. Marshall**, Ilkeston, Derbyshire, grocer, Jan. 14 at half-past 11, Nottingham, last ex.—**James Martin**, Sleaford, Lincolnshire, tea dealer, Jan. 14 at half-past 11, Nottingham, last ex.—**John Macey**, Hemycock, Devonshire, butcher, Jan. 8 at 12, Exeter, last ex.—**Charles B. Evans**, Cullompton, Devonshire, fallmonger, Jan. 15 at 12, Exeter, last ex.—**Henry L. Dennis**, Weymouth, Dorsetshire, general contractor, Jan. 16 at 12, Exeter, last ex.—**Frederick Smith**, Plymouth, Devonshire, perfumer, Jan. 13 at half-past 12, Plymouth, last ex.

—**Cornelius R. Bagge**, Plymouth, Devonshire, lithographer, Jan. 13 at half-past 12, Plymouth, last ex.—**William M. Forster**, Bridlington, Yorkshire, wine merchant, Jan. 8 at 12, Kingston-upon-Hull, last ex.—**John Thorn**, Liverpool, licensed victualler, Jan. 23 at 12, Liverpool, last ex.—**John Griffiths**, Liverpool, builder, Jan. 10 at 11, Liverpool, last ex.—**Wm. Howell**, Liverpool, tin drum manufacturer, Jan. 9 at 11, Liverpool, last ex.—**William Burgess**, Bristol, harness maker, Jan. 14 at 10, Bristol, last ex.—**John Toy**, Bristol, dealer in grease, Jan. 14 at 10, Bristol, last ex.—**Edward Jones**, Liverpool, plasterer, Jan. 8 at half-past 10, Liverpool, last ex.—**Francis Holmes**, Liverpool, butcher, Jan. 8 at half-past 10, Liverpool, last ex.—**Hugh Campbell**, Liverpool, joiner, Jan. 8 at half-past 10, Liverpool, last ex.—**David W. Owen**, Liverpool, beer retailer, Jan. 8 at half-past 10, Liverpool, last ex.—**Wm. Caffin**, Southsea, Portsmouth, Southampton, tailor, Dec. 17 at 11, Portsmouth, last ex.—**Henry Hatch**, Portsmouth, Southampton, gunner in the Royal Navy, Dec. 17 at 11, Portsmouth, last ex.—**John Paul**, Probus, Cornwall, seedsman, Jan. 8 at 10, Truro, last ex.—**John Lloyd**, West Bromwich, Staffordshire, out of business, Dec. 21 at 10, Oldbury, last ex.—**Griffith Williams**, Tyr Nithbran, near Pontypridd, Llanwonno, Glamorganshire, grocer, Jan. 14 at 10, Pontypridd, last ex.—**W. Egan**, Sheffield, house painter, Jan. 23 at 12, Sheffield, last ex.—**Henry Williamson**, Totley, Dore, Derbyshire, travelling draper, Jan. 23 at 12, Sheffield, last ex.—**C. B. Millard**, Sheffield, grocer's assistant, Jan. 23 at 12, Sheffield, last ex.—**James Miles**, Banbury, Oxfordshire, coach builder, Jan. 13 at 1, Banbury, last ex.—**John Miles** and **Andrew Miles**, Banbury, Oxfordshire, coach builders, Jan. 13 at 1, Banbury, last ex.—**George Barford**, Luton, Bedfordshire, straw-hat manufacturer, Dec. 31 at 10, Luton, last ex.—**Henry Eaton**, Stafford, gardener, Dec. 18 at half-past 10, Newcastle-under-Lyme, last ex.—**Wm. Emmerson**, Flottergate, Great Grimsby, out of business, Jan. 16 at 10, Great Grimsby, last ex.—**Edward West**, Hitchin, Hertfordshire, draper, Dec. 21 at 11, London, aud. ac.—**Henry Bateman**, Old Broad-street, timber merchant, and Lloyd's, City, underwriter, Dec. 21 at 11, London, aud. ac.—**James Garton**, Nottingham, and **D. Brown**, Manchester, hardware dealers, Jan. 9 at 12, Manchester, aud. ac.; Jan. 16 at 12, div.—**Wm. Mercer**, Rossett, Denbighshire, brewer, Dec. 20 at 12, Liverpool, aud. ac.—**Thomas Kibby**, Honiton, Devonshire, baker, Dec. 26 at 12, Exeter, aud. ac.—**Archibald Hinton**, Highbury, Middlesex, victualler, Jan. 4 at half-past 11, London, div.—**Henry H. Chambers** and **Frederick R. Parsons**, Worthing, Sussex, wine merchants, Jan. 4 at 11, London, div.—**Samuel Bayley**, Macclesfield, Cheshire, cotton spinner, Jan. 8 at 12, Manchester, div.—**Henry Rawson**, Manchester, stationer, Jan. 8 at 12, Manchester, fin. div.—**Daniel Dale**, Kidsgrove, near Tunstall, Staffordshire, builder, Jan. 15 at 11, Birmingham, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

**Samuel Smith**, Fish-street-hill, City, builder, Jan. 2 at 1, London.—**Samuel Horncell**, Padstow, Cornwall, draper, Jan. 8 at 12, Exeter.—**Bernard James Webber**, Newton Abbot, Devonshire, smith, Jan. 8 at 12, Exeter.—**William Downes**, Wolverhampton, Staffordshire, grocer, Jan. 13 at 11, Birmingham.—**J. Wise**, Stourbridge, Worcestershire, victualler, Jan. 13 at 11, Birmingham.

To be granted, unless an Appeal be duly entered.

**George Barnett**, Felix-terrace, Liverpool-road, Islington, Middlesex, butcher.—**Henry Freer**, Great St. Helena, City, elder merchant.—**Robert Edbrooke**, Bristol, brightsmith.—**Thos. Howard**, Ormakirk, Lancashire, earthenware dealer.—**John Rhodes**, Birkenhead, Cheshire, dealer in coal.—**James Nixon**, Melbourne, Victoria, Australia, and Liverpool, England, merchant.—**George P. Rooney**, Liverpool, licensed victualler.—**Edward Lyon** and **Joseph Greenwood**, Huyton Quarry, Lancashire, builders.—**Richard Jaffries**, Chapel-en-le-Frith, Derbyshire, bleacher.—**Aaron Fielding**, Glossop, Derbyshire, grocer.—**James Cooper**, Manchester, rag merchant.—**Edward W. R. Rudgard**, Lincoln, maltster.

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XX



## GAZETTES.—FRIDAY, Dec. 13.

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## THE JURIST.

LONDON, DECEMBER 21, 1861.

As a general rule, trustees, in the absence of an express power, were formerly not justified in investing trust funds otherwise than upon Government or Bank securities; and inasmuch as the Court of Chancery selected, for the purpose of investing the monies of the suitors, the 3l. per Cent. Consolidated Bank Annuities, trustees desiring to act with caution, and to avoid being held liable for any fluctuation in the value of the trust property which might occur in consequence of an investment in other funds, generally invested the monies intrusted to them in the 3l. per Cent. Consols.

This field of investment being usually considered too narrow, trustees in general had given to them a power (much less extensive than that now used) to invest in Government or real securities in England or Wales.

Now, there are two classes of persons interested in enlarging such limited powers of investment: the first

class consists of those persons whose property may be improved by causing capital to flow in a different direction or over a wider space; the second class are those who take a limited estate in the trust funds, and who therefore desire to get as high a rate of interest as possible, so long as their beneficial enjoyment lasts, without regard to any deterioration which may take place in the capital from which it proceeds, to the detriment of those entitled in remainder.

A combination of these two classes led to the passing of the 4 & 5 Will. 4, c. 29 (Lynch's Act), by which trustees, authorised under any previous or subsequent power to advance money upon landed securities in England, Wales, or Great Britain, *unless expressly restricted*, may advance money upon *real securities in Ireland*, with the consent of the person whose consent may be required; and if infants unborn or insane persons are interested, the loan must be obtained in a cause, or upon a petition in a summary way. (*Ex parte French*, 7 Sim. 510; *Morris v. Wright*, 14 Beav. 291).

The next act giving a parliamentary power of investment to trustees was Lord St. Leonards' Act to further amend the Law of Property and to relieve

Trustees, 22 & 23 Vict. c. 35, in the 32nd section of which it is enacted, that "when a trustee, executor, or administrator shall not, by some instruments creating his trust, be expressly forbidden to invest any trust fund on real securities in any part of the United Kingdom, or on the stock of the Bank of England or Ireland, or on East India Stock, it shall be lawful for such trustee, executor, or administrator to invest such trust fund on such securities or stock; and he shall not be liable on that account as for a breach of trust, provided that such investment shall in other respects be reasonable and proper" (sect. 32).

It should be here mentioned, that although the clause just quoted appears in Lord St. Leonards' Act, he is not himself responsible for it. It was added in the Commons, and Lord St. Leonards, who appears entirely to disapprove of it, nevertheless allowed it to pass through the House of Lords without asking their Lordships to disagree with it, as by so doing the bill in which it was included (the value of which is universally acknowledged) might have been endangered.

The next act to be noticed is the Act to further amend the Law of Property, 23 & 24 Vict. c. 38. There power is given to the Lord Chancellor, &c. to make general orders from time to time as to the investment of cash, under the control of the Court, either in 3l. per Cent. Consols, or Reduced or New Bank Annuities, or in such other stocks, funds, or securities as he &c. shall see fit; and power is given to the Lord Chancellor, &c. to make orders, as he shall deem proper, for the conversion of any 3l. per Cent. Bank Annuities then standing, or which might thereafter stand, in the name of the Accountant-General, in trust in any cause or matter, into any such other stocks, funds, or securities upon which, by any such general order as aforesaid, cash under the control of the Court may be invested; all orders for such conversion of Bank Annuities into other funds or securities to be made upon petition, to be presented by any of the parties interested, in a summary way, and such parties are to be served with notice thereof as the Court shall direct (sect. 10).

By a subsequent section it is enacted, that "when any such general order as aforesaid shall have been made, it shall be lawful for trustees, executors, or administrators, having power to invest upon parliamentary stocks, funds, or securities, or any of them, to invest such trust funds, or any part thereof, in any of the stocks, funds, or securities in or upon which, by such general order, cash under the control of the Court may from time to time be invested" (sect. 11).

By an Order of Court dated the 1st February, 1861, in pursuance of the 23 & 24 Vict. c. 38, "cash under the control of the Court may be invested in Bank Stock, East India Stock, Exchequer Bills, and 2l. 10s. per Cent. Annuities, and upon mortgage of freehold and copyhold estates respectively in England and Wales, as well as in Consolidated 3l. per Cent. Annuities, Reduced 3l. per Cent. Annuities, and New 3l. per Cent. Annuities" (rule 1). By another rule service of the petition is provided for (rule 2).

The last act giving parliamentary powers of investment is the Trustees and Mortgagees Act, 23 & 24

Vict. c. 145. It enacts, "Trustees having trust money in their hands, which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any of the parliamentary stocks or public funds, or in Government securities; and such trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and also from time to time, at their discretion, to vary any such investments as aforesaid for others of the same nature: provided always, that no such original investment as aforesaid (except in the 3l. per Cent. Consolidated Bank Annuities), and no such change of investment as aforesaid, shall be made where there is a person, under no disability, entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person" (sect. 25).

Several questions have arisen upon some of these investment acts, or rather upon the first two of them—first, as to their application; secondly, as to what investments will be authorised by the Court of Chancery under them; and, thirdly, as to what investments trustees are justified in making.

1. The question arose in *Re The Colne Valley and Halstead Railway Bill* (1 Johns. 528; 5 Jur., N. S., part 1, p. 1123), whether, inasmuch as, previous to the passing of the 22 & 23 Vict. c. 35, there was East India Stock in existence, the India 5l. per Cent. Loan, which was authorised by the 22 & 23 Vict. c. 39, to which the royal assent was given on the same day as the 22 & 23 Vict. c. 35, came within the meaning of East India Stock there mentioned. Lord Campbell, C. (sitting with the Lords Justices), thought that it did; but the Lords Justices took a different view from his Lordship, although they all concurred in deciding the case upon another ground.

Assuming, however, that the East India 5l. per Cent. Loan does not come within the meaning of "East India Stock," under the 22 & 23 Vict. c. 35, does it not come within the meaning of "East India Stock" mentioned in the General Order of the 1st February, 1861, made in pursuance of the 23 & 24 Vict. c. 38? There does not appear to have been any express decision upon the subject; but, as the term used in the Order of the 1st February, 1861, is sufficiently general to comprehend the 5l. per Cent. India Loan, and it was in existence at the time of the passing of the act giving authority to the Lord Chancellor to make the General Order, it seems that the 5l. per Cent. India Loan may be now considered as coming within the meaning of India Stock.

It was held by Sir J. Romilly, M. R., in *Re Miles' Trusts* (6 Jur., N. S., part 1, p. 1236), that the 32nd section of the 22 & 23 Vict. c. 35, does not apply to trustees appointed by instruments executed before the passing of that act. A different view was adopted by Sir J. Stuart, V. C., in *Re Riche's Trust*, Jan. 27, 1860 (Morgan's Statutes and Orders, 329, 2nd ed.), and in *The Equitable Insurance Company v. Fuller* (7 Jur., N. S., part 1, p. 307), where an order was made upon a settlement executed in 1837.

2. With regard to what investments will be authorised by the Court, it has been decided that the Court will not, in the absence of special circumstances, authorise, under the 22 & 23 Vict. c. 35, the investment in the India 5l. per Cent. Loan. (*In re The Colne Valley and Halstead Railway Bill*, 1 Johns. 528; 5 Jur., N. S., part 1, p. 1123; *In re Fromow's Estate*, 8 Weekly Rep. 272).

In the case of *Cohen v. Waley* (9 Weekly Rep. 137), being an application under two acts (the 22 & 23 Vict. c. 35, and the 23 & 24 Vict. c. 38), an order was made by Sir J. Stuart, V. C., at the instance of a

tenant for life, for the sale of Consols, and the investment in *Bank Stock*. In the case of *The Equitable Insurance Company v. Fuller* (7 Jur., N. S., part 1, p. 307), upon the application of the settlor, who was tenant for life under the settlement, with a power, in the event of her surviving her husband, to revoke the trusts, except those declared in favour of her children, Sir W. P. Wood, V. C., sanctioned a transfer of the settled funds from Consols and New 3l. per Cents. to East India Stock or Bank Stock. His Honor, after referring to the stats. 22 & 23 Vict. c. 35, and 23 & 24 Vict. c. 38, and the General Order of the 1st February, 1861, said it was the duty of the Court to carry out the regulation made in accordance with those statutes. No doubt considerable damage would result to the capital in all such cases by the change of investment. On the other hand, if he did not make the order in this case, it would be impossible ever to do it in any case. *The application was by the settlor herself*. Whatever might be the case where the application was by persons who had not created the trust it was not necessary to consider. His Honor concluded by saying, that as it was an application by the tenant for life for her own benefit, and there would be an absolute loss to those interested in remainder, he certainly *should not charge the costs upon the capital*.

In the case of *Bishop v. Bishop* (9 Weekly Rep. 549), where a married woman was under a will entitled to a fund of nearly 30,000*l.* Consols for her separate use for life, with remainder to her children, it was proposed, for the purpose of obtaining better interest, to invest part of the fund in the East India and Bank Stock, leaving the remainder in Consols; and the married woman who presented the petition asked also that a sum of 2000*l.* might be carried over to the trustees of her settlement. Sir R. T. Kindersley, V. C., on the authority of *The Equitable Insurance Company v. Fuller*, made the order, and also considered that the petitioner ought to have the costs, because it was necessary to come into court for the purpose of carrying over the 2000*l.*

Notwithstanding the last-mentioned authorities, it seems to be now clear, that in the absence of special circumstances, whatever trustees may of themselves be justified in doing, the Court, having a discretionary power, will not, in the exercise of its discretion, authorise the conversion of Consols into India Stock. See *Cockburn v. Peel* (9 Weekly Rep. 725), where Lord Campbell, C., and the Lords Justices, affirming the decision of Sir J. Stuart, V. C., upon the application of a tenant for life under a will, with remainder to her children, refused to order a sum of 55,506*l.* Consols to be invested in East India Stock, although it was proposed to form a sinking fund, to guarantee against any loss in the event of the East India Stock being redeemed. Lord Campbell, C., said that he did not think they could safely lay down any more precise rule than that in the absence of any special circumstances which might make the desired transfer asked by the tenant for life beneficial to those in remainder, irrespective of pecuniary calculations, the transfer ought not to be permitted, if on pecuniary calculations it might be injurious to those in remainder. In the present case his Lordship added, "The income of the mother under the will is ample, and there is no suggestion of any advantage likely to arise to the children from the proposed change." And Sir G. J. Turner, L. J., said, "There might be cases where, from the exigencies of families, it would be desirable for the children that the income of the parents should be increased, but in such cases the circumstances should be stated in the petition."

We may, therefore, conclude that, as a general rule, the Court will not authorise an investment in India

Stock, whatever it may do with regard to Bank Stock, unless there are special circumstances which would render it beneficial to the reversioners as well as to the persons having limited interests. In the case of *Cohen v. Waley* the Court ordered an investment in Bank Stock. In the case of *The Equitable Insurance Company v. Fuller*, where it will be observed that an investment in East India Stock or Bank Stock was authorised by the Court, the fact that the application was made by the settlor seems to have been considered a special circumstance. In *Bishop v. Bishop*, which Sir R. T. Kindersley, V. C., appears to have decided upon the authority of *The Equitable Insurance Company v. Fuller*, the distinctive feature in that case, viz. of the application being made by the settlor, was wanting; nor do there appear to have been any special circumstances for making the investment, although it will be observed that the change of investment was only made with regard to part of the trust fund.

The cases of *Bishop v. Bishop* and *The Equitable Insurance Company v. Fuller* were cited in *Cockburn v. Peel*; but as the learned judges then constituting the full court of appeal did not make any observation with respect to them, we can only hazard an opinion, from the rules they there laid down, that it is at least doubtful whether, under similar circumstances, they would take the same view as the learned judges who decided those cases.

3. With regard to what investments trustees will be justified in making, it seems that, in the exercise of a fair discretion, they might, without being guilty of a breach of trust, make a change of investments to Bank Stock, East India Stock, or other funds authorised by the acts and General Order, which the Court would not itself sanction. This is laid down most distinctly by Lord Campbell in *Re The Colne Valley and Halstead Railway Bill*, though the Lords Justices cautiously avoided giving an opinion upon that point. However, in the subsequent case of *Cockburn v. Peel*, where the application for an investment in East India Stock was refused by the Court, Sir G. J. Turner, L. J., said, "It was not, however, intended to embarrass trustees when the fund was not in court. They would, in making such investment, be entitled to the protection of the Court, if they acted *bonâ fide*, to the best of their discretion."

#### BOOKS RECEIVED.

The Law of Bankruptcy; being an Adaptation of the Chapter on Bankruptcy in the Twelfth Edition of Selwyn's *Nisi Prius* to the present Law, with considerable Additions and Alterations. By David Power, Esq., Q. C., Recorder of Ipswich, and F. S. P. Wolferstan, Esq., Barrister-at-Law. 12mo.—V. & R. Stevens & Sons. 1861.

The Doctrine and Practice of Equity; or a concise Outline of Proceedings in the High Court of Chancery; designed principally for the Use of Students. By George Goldsmith, A. M., of the Middle Temple, Barrister-at-Law. 12mo.—Butterworths. 1861.

An Inquiry into the Present State of the Law of Maintenance and Champerty, principally as affecting Contracts. By William John Tapp, Esq., of Lincoln's-inn, Barrister-at-Law.—V. & R. Stevens & Sons. 1861.

A Charge to the Grand Jury of Winchester at the Michaelmas Quarter Sessions, 1861. By Archibald John Stephens, LL.D., one of Her Majesty's Counsel, Recorder of Winchester.—V. & R. Stevens & Sons. 1861.

The Law relating to Railway Accidents (including an Outline of the Liabilities of Railway Companies as Carriers generally), concisely discussed and ex-

plained. By Henry Andrews Simon, Esq., of the Middle Temple, Barrister-at-Law.—V. & R. Stevens, Sons, & Haynes. 1862.

**JURIDICAL SOCIETY.**—A meeting of this society took place at its rooms, 4, St. Martin's-place, Trafalgar-square, on Monday, the 16th December; J. W. Wilcock, Esq., Q. C., in the chair; when Mr. C. Clark read a paper upon the question, "Is the capture of the Southern Commissioners from on board the mail steamer Trent defensible by the law of nations?" The meeting having been addressed by the chairman, Mr. G. Lushington, Mr. V. Lushington, Mr. Lindley, and Mr. Westlake, the discussion was adjourned.

**JONATHAN CARTER**, Exeter, licensed victualler, Dec. 26 at 13, Exeter: Off. Ass. Hirtzel; Sol. Floud, Exeter.—Pet. f. Dec. 10.

**HENRY BENTLEY**, Birstal, Yorkshire, woollen-cloth manufacturer, Dec. 23 at 11, Leeds: Off. Ass. Carrick; Sols. Cross, Bradford; Cariss & Tempest, Leeds.—Pet. f. Dec. 11.

**DAVID WOOD**, Bramley, Yorkshire, cloth manufacturer, Dec. 23 at 11, Leeds: Off. Ass. Carrick; Sols. Richardson & Co., Leeds.—Pet. f. Dec. 4.

**GEORGE WINTER**, Kingston-upon-Hull, out of business, Jan. 8 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Vollans, Hull.—Pet. f. Dec. 11.

**EDWIN WYATT**, Penmaenmawr, Dwygyfylchi, Carnarvonshire, hotel keeper, Dec. 27 at half-past 11, Liverpool: Off. Ass. Bird; Sol. Cartwright, Chester.—Pet. f. Dec. 11.

**WILLIAM TASSELL**, Liverpool, hostler, Dec. 27 at 12, Liverpool: Off. Ass. Turner; Sols. Reed, and Evans & Co.—Pet. f. Dec. 5.

**FREDERICK ROBERTS**, Manchester, engraver, Dec. 24 at 13, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. Dec. 11.

**HENRY SUGDEN**, Newcastle-upon-Tyne, and Low Walker, Northumberland, alkali manufacturer (carrying on business with Andrew George Hunter the younger), Dec. 23 at half-past 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.—Pet. f. Dec. 9.

**THOMAS MOLLARD**, Birmingham, schoolmaster, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Dec. 10.

**EDWARD BRADBURY**, Balsall-heath, Worcestershire, cabinet maker, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Sargent, Birmingham.—Pet. f. Dec. 7.

**CHARLES SISSONS**, Bingham, Nottinghamshire, small-ware dealer, Jan. 21 at 10, Bingham: Off. Ass. Patchitt; Sol. Buttery, Bingham.—Pet. f. Dec. 9.

**WILLIAM COCKAYNE**, Nottingham, schoolmaster, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sols. Cowley & Everall, Nottingham.—Pet. f. Dec. 9.

**THOMAS BENTON**, Nottingham, grocer, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sols. Cowley & Everall, Nottingham.—Pet. f. Dec. 10.

**CHARLES REUBEN DANN**, Nottingham, optician, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Coops, Nottingham.—Pet. f. Dec. 10.

**SARAH LUCY PHILLIPS**, widow, Gloucester, licensed brewer, Dec. 24 at 11, Gloucester: Off. Ass. Wilton; Sol. Wilkes.—Pet. f. Dec. 9.

**JAMES COX**, Worcester, out of business, Dec. 27 at 11, Worcester: Off. Ass. Hill; Sol. Corles, Worcester.—Pet. f. Dec. 4.

**HENRY THOMAS PUGSLEY IRELAND**, Torquay, Devonshire, livery-stable keeper, Dec. 24 at 11, Newton Abbot: Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Dec. 7.

**HENRY CLODE**, Torquay, Devonshire, cabinet maker, Dec. 24 at 11, Newton Abbot: Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Dec. 9.

**SAMUEL CLARKE**, Torquay, Devonshire, fruiterer, Dec. 24 at 11, Newton Abbot: Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Dec. 9.

**NEHEMIAH MITCHELL**, Congleton, Cheshire, tailor, Dec. 28 at 10, Congleton: Off. Ass. Latham; Sol. Cooper, Congleton.—Pet. f. Dec. 10.

**JOHN ALBERT MILES** (sued as JOHN MILES the younger), Banbury, Oxfordshire, coach builder, Dec. 27 at 10, Oxford: Off. Ass. Dudley; Sol. Williams, Oxford.—Pet. f. Dec. 5.

**JOHN PATTISON**, Gateshead, Durham, farmer, Dec. 26 at 11, Gateshead: Off. Ass. Ingledew; Sol. Watson, Newcastle-upon-Tyne.—Pet. f. Dec. 9.

**THOMAS GOULD**, Cradley-heath, Rowley Regis, Staffordshire, butcher (a prisoner in Stafford Gaol), Dec. 23 at 10, Dudley: Off. Ass. Walker; Sol. Litchfield.—Pet. f. Dec. 7.

**THOMAS LEE**, Wymondham, Leicestershire, inkseep, Dec. 27 at 2, Melton Mowbray: Off. Ass. Oldham; Sol. Latham, Melton Mowbray.—Pet. f. Dec. 9.

**JEREMIAH WASE GARRETT**, Woodbridge, Suffolk, grocer, Dec. 24 at 10, Woodbridge: Off. Ass. Reeve; Sol. Churchyard, Woodbridge.—Pet. f. Sept. 10.

**THOMAS ALLWOOD**, Pembroke Dock, Pembrokehire, dealer in toys, Dec. 26 at 10, Pembroke: Off. Ass. Lanning; Sol. Parry, Haverfordwest.—Pet. f. Dec. 9.

**RICHARD WILLIAMS**, Penycodcae, Llantrissant, Glamorganshire, beer retailer, Dec. 26 at 11, Pontypridd: Off. Ass. Spickett; Sol. Ensor, Cardiff.—Pet. f. Dec. 8.

**MATTHEW HENDERSON**, Castle Eden, Durham, groom, Dec. 23 at 11, Hartlepool: Off. Ass. Child; Sol. Todd, Hartlepool.—Pet. f. Dec. 6.

**JOHN WARD**, Escomb, Durham, bootmaker, Dec. 26 at 10, Bishop Auckland: Off. Ass. Trotter; Sol. Dolphin, Wolsingham.—Pet. f. Dec. 9.

**ROBERT JOHN WAUGH**, Lanchester, Durham, mason, Dec. 25 at 11, Durham: Off. Ass. Bramwell; Sol. Marshall, Durham.—Pet. f. Dec. 9.

**FREDERICK HENRY LILLY**, Market Deeping, Lincolnshire, plumber, Dec. 28 at 12, Bourn: Off. Ass. Bell; Sol. Deacon, Peterborough.—Pet. f. Dec. 9.

**WILLIAM DALBY** and **JOHN HADFIELD**, Burton-upon-Trent, Staffordshire, builders, Jan. 6 at 2, Burton: Off. Ass. Hubbersty; Sol. Flint, Uttoxeter.—Pet. f. Dec. 9.

**ROBERT GASCOYNE**, Peterborough, Northamptonshire, cattle dealer, Dec. 24 at 10, Peterborough: Off. Ass. Gaches; Sol. Rutland, Peterborough.—Pet. f. Dec. 9.

**JOHN LLOYD**, Heaton Norris, Lancashire, bricklayer, Jan. 3 at 1, Stockport: Off. Ass. Coppock; Sol. Dawson, Manchester.—Pet. f. Dec. 9.

**JOHN WILSON**, Margate, Kent, dealer in toys, Dec. 26 at 1, Margate: Off. Ass. Isaacson; Sol. Boys, Margate.—Pet. f. Dec. 10.

**WILLIAM GILLIN**, Chipping Wycombe, Buckinghamshire, bootmaker, Jan. 8 at 11, High Wycombe: Off. Ass. Parker; Sol. Clarke, High Wycombe.—Pet. f. Dec. 11.

**CHARLES UPTON CAVELL**, Ramsgate, Kent, poulterer, Dec. 24 at 10, Ramsgate: Off. Ass. Snowden; Sol. Towne, Ramsgate.—Pet. f. Dec. 10.

**WILLIAM BENJAMIN TWYMAN**, Ramsgate, Kent, upholsterer, Dec. 24 at 10, Ramsgate: Off. Ass. Snowden; Sol. Towne, Ramsgate.—Pet. f. Dec. 5.

**GEORGE TWYMAN**, Ramsgate, Kent, upholsterer, Dec. 24 at 10, Ramsgate: Off. Ass. Snowden; Sol. Towne, Ramsgate.—Pet. f. Dec. 5.

**THOMAS NADAULD POTTER**, Smalley and Mapperley, butcher, Dec. 24 at 11, Belper: Off. Ass. Ingle; Sol. Shaw, Derby.—Pet. f. Dec. 7.

**JOHN CUPIT**, Duffield, victualler, Dec. 24 at 11, Belper: Off. Ass. Ingle; Sol. Smith, Derby.—Pet. f. Dec. 9.

**JOHN ANTHONY FASANA**, Salford, cordwainer, Dec. 23 at 10, Salford: Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Dec. 9.

**STEPHEN GEORGE**, Doldre, Tregaron, Cardiganhire, draper, Dec. 23 at 10, Lampeter: Off. Ass. Lewis; Sol. Lloyd, Lampeter.—Pet. f. Dec. 4.

**WILLIAM MARSHMAN**, Frome, Somersetshire, brush manufacturer, Dec. 27 at 12, Frome: Off. Ass. Meester; Sol. Crutwell, Frome.—Pet. f. Dec. 10.

**JAMES STEVENSON**, Leeds, Yorkshire, salesman to a horsedealer, Dec. 31 at 12, Leeds: Off. Ass. Sangster; Sol. Harle, Leeds.—Pet. f. Dec. 10.

**THOMAS STAMP**, Bridford, Devonshire, builder, Dec. 26 at 11, Exeter: Off. Ass. Daw; Sol. Fryer, Exeter.—Pet. f. Dec. 11.

**SAMUEL EVANS**, Great Coggeshall, Essex, gardener, Dec. 26 at 10, Braintree: Off. Ass. Cunnington; Sol. Cardinall, Halstead.—Pet. f. Dec. 8.

**SAMPSON SMITH**, Daw End, Rushall, Staffordshire, licensed victualler, Dec. 24 at 11, Walsall: Off. Ass. Clarke; Sol. Duignan, Walsall.

**WILLIAM FEAVER**, Norwich, baker, Dec. 23 at 12, Norwich: Off. Ass. Palmer; Sol. Sadd, jun., Norwich.—Pet. f. Dec. 9.

**LEWIS TOFT**, Newchapel, Staffordshire, potter, Dec. 23 at 11, Hanley: Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Dec. 9.

**JOHN BUCKLEY**, Stanley Mills, Staffordshire, miller, Dec. 23 at 11, Hanley: Off. Ass. Challinor; Sol. Tennant, Hanley.—Pet. f. Dec. 10.

**DANIEL SIMPSON**, Tunstall, Wolstanton, Staffordshire, beerseller, Dec. 23 at 11, Hanley: Off. Ass. Challinor; Sol. Harding, Tunstall.—Pet. f. Dec. 12.

**ROBERT BRYAR**, Halifax, Yorkshire, traveller, Dec. 27 at 10, Halifax: Off. Ass. Dyson & Rankin; Sol. Jubb, Halifax.—Pet. f. Dec. 11.

**GEORGE BATES**, Kingston-upon-Hull, fruiterer, Dec. 27 at 12, Hull: Off. Ass. Phillips.—Pet. f. Nov. 28.

**BENJAMIN MOXON RYDER**, Kingston-upon-Hull, bottle dealer, Dec. 27 at 12, Hull: Off. Ass. Phillips.

**JAMES HENSON**, Millgate, Newark-upon-Trent, Nottinghamshire, jobber, Dec. 28 at 10, Newark: Off. Ass. Newton.—Pet. f. Dec. 10.

**ABRAHAM UTTELY**, Bacup, Lancashire, chemist, Dec. 28 at 11, Bacup: Off. Ass. Hall; Sol. Watson, Bury.—Pet. f. Dec. 11.

**WALTER HOLLY**, Hinton, Somersetshire, miller's man, Dec. 31 at 11, Bath: Off. Ass. Smith.—Pet. f. Dec. 9.

**HENRY MONNERY**, New Shoreham, Sussex, carpenter, Dec. 24 at 10, Brighton: Off. Ass. the registrar; Sol. Goodman, Brighton.—Pet. f. Dec. 10.

**WILLIAM GOUGH**, St. Catherine, Gloucester, out of business, Dec. 27 at 11, Gloucester: Off. Ass. Wilton; Sol. Cooke.—Pet. f. Dec. 12.

**EDWARD JAMES**, Aberystwith, Cardiganshire, shipwright, Dec. 26 at 11, Aberystwith: Off. Ass. Jenkins.—Pet. f. Nov. 20.

#### MEETINGS.

*George Henry Jameson*, Ramsgate, Kent, auctioneer, Jan. 3 at half-past 12, London, last ex.—*Charles Hustler*, Arlington-street, New York-road, Islington, Middlesex, marble mason, Jan. 8 at 1, London, last ex.—*John A. Parry*, Pollen-street, Hanover-square, Regent-street, Middlesex, coffee-house keeper, Jan. 3 at 12, London, last ex.—*Stephen A. Outeridge*, Singleton-street, South Hoxton, Middlesex, dealer in pickles, Jan. 3 at 1, London, last ex.—*Benjamin R. Barlow*, Keppel-terrace, King's-road, Chelsea, Middlesex, stonemason, Jan. 3 at half-past 11, London, last ex.—*John Light*, Windoor, Southampton, farmer, Jan. 3 at half-past 11, London, last ex.—*David Morse*, Amelia-place, New-cross, Kent, out of business, Jan. 3 at 11, London, last ex.—*Henry Page*, Blackheath, Kent, baker, Jan. 3 at 1, London, last ex.—*Henry Hill*, Gipsy-terrace, Maldon-road, Kentish-town, Middlesex, builder, Jan. 6 at half-past 12, London, last ex.—*Wm. Barnes*, Croydon, Surrey, corn dealer, Jan. 8 at 3, London, last ex.—*Charles J. A. Wallback*, Cannon-street West, City, glove manufacturer, Jan. 8 at half-past 1, London, last ex.—*William Russ*, Gloucester-street, Clerkenwell, Middlesex, jeweller, Jan. 8 at half-past 11, London, last ex.—*John George*, Providence-buildings, New Kent-road, Surrey, baker, Jan. 8 at 1, London, last ex.—*Robert Dickens*, Yarwell, Northamptonshire, wheelwright, Jan. 8 at 12, London, last ex.—*John Campbell*, New Suffolk-street, Turner-street, Commercial-road East, Middlesex, comedian, Jan. 10 at 12, London, last ex.—*Charles W. Brown*, Greenwich, Kent, clerk in her Majesty's dockyard, Jan. 8 at half-past 11, London, last ex.—*Thomas Lucas*, Vauxhall-walk, Lambeth, Surrey, agent for the sale of cement, Jan. 10 at half-past 12, London, last ex.—*Christopher Routledge*, Lower Sydenham, Kent, brickmaker, Jan. 10 at half-past 11, London, last ex.—*John Hunter*, Woolsey-terrace, Kentish-town, Middlesex, gentleman, Jan. 10 at 11, London, last ex.—*William Bush*, Brentwood, Essex, out of business, Jan. 6 at 12, London, last ex.—*Eugene Parrott*, Rotherfield-street, Islington, Middlesex, commission agent, Jan. 10 at 12, London, last ex.—*G. Smith and Alfred Pavitt*, George-yard, Lombard-street, City, advertising agents, Jan. 3 at 12, London, last ex.—*R. D. Dodge*, St. Thomas-street, Southwark, Surrey, commercial traveller, Jan. 8 at 2, London, last ex.—*Robert Nicol*,

Notting-hill, Middlesex, tavern keeper, Jan. 6 at 12, London, last ex.—*J. N. Pequoir*, Water-lane, City, clerk to a merchant, Jan. 3 at 2, London, last ex.—*T. Kentish*, Grange-road, Bermondsey, Surrey, baker, Jan. 8 at half-past 12, London, last ex.—*William Jacob Moore*, Blue Anchor-road, Bermondsey, Surrey, Jan. 8 at half-past 1, London, last ex.—*John Wm. Page*, Princes-street, Walworth-road, Surrey, Jan. 3 at 11, London, last ex.—*John B. Evison*, Camden-square, Camden-town, Middlesex, Jan. 10 at 1, London, last ex.—*Charles P. Pearman*, St. Martin's-court, Leicester-square, Middlesex, Jan. 8 at 2, London, last ex.—*Samuel Francis Green*, Whiting-street, Waterloo-road, Lambeth, Surrey, Jan. 18 at 3, London, last ex.—*Sable Henry Jonas*, Kingsland-green, out of business, Jan. 8 at 3, London, last ex.—*Albert Baisten*, Westminster-bridge-road, Surrey, builder, Jan. 8 at half-past 2, London, last ex.—*Jesse Machin*, Reading, Berkshire, waggon-cloth manufacturer, Jan. 8 at 12, London, last ex.—*Wm. H. Wild*, Lambeth-walk, Lambeth, Surrey, appraiser, Jan. 8 at half-past 12, London, last ex.—*John Weston*, Chobham, Surrey, Jan. 8 at half-past 11, London, last ex.—*Joseph Clarke*, Coventry, Warwickshire, clothier, Jan. 17 at 11, Birmingham, last ex.—*James J. G. Povey*, Handsworth, Staffordshire, licensed victualler, Jan. 17 at 11, Birmingham, last ex.—*William Bott*, Whittick, Shrewsbury, Shropshire, out of business, Jan. 15 at 11, Birmingham, last ex.—*Henry Tipper*, Cheadle, Staffordshire, confectioner, Jan. 16 at 11, Birmingham, last ex.—*George Withey*, Burslem and Wolstanton, Staffordshire, flint grinder, Jan. 23 at 11, Birmingham, last ex.—*James Sale* the younger, Chesterton, Staffordshire, joiner, Jan. 23 at 11, Birmingham, last ex.—*T. Whitehouse*, Fallings Heath, near Wednesbury, Staffordshire, in no business, Jan. 16 at 11, Birmingham, last ex.—*Charles Major Herbert*, Walsall, Staffordshire, coal merchant, Jan. 16 at 11, Birmingham, last ex.—*W. Wilson*, Handsworth, Staffordshire, attorney's clerk, Jan. 17 at 11, Birmingham, last ex.—*John Kircan*, Birmingham, dyer, Jan. 17 at 11, Birmingham, last ex.—*T. B. Baldwin*, Fenton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer, Jan. 16 at 11, Birmingham, last ex.—*E. B. Thomas*, Ludlow, Shropshire, Jan. 16 at 11, Birmingham, last ex.—*Richard Sill*, Birmingham, attorney, Jan. 16 at 11, Birmingham, last ex.—*Wm. Smyth*, Hereford, out of business, Jan. 22 at 11, Birmingham, last ex.—*Henry Walkinshaw*, Birmingham, engraver, Jan. 22 at 11, Birmingham, last ex.—*Charles Bullock*, Warwick, innkeeper, Jan. 15 at 11, Birmingham, last ex.—*Thomas Ashworth*, Birmingham, betting man on commission, Jan. 15 at 11, Birmingham, last ex.—*Frank A. Huet*, Wolverhampton, Staffordshire, dentist, Jan. 15 at 11, Birmingham, last ex.—*The Rev. W. V. Dawson*, Alfrick, Worcestershire, clerk in orders, Jan. 15 at 11, Birmingham, last ex.—*Adam Pringle*, Radford, Nottinghamshire, retail beerseller, Jan. 14 at half-past 11, Nottingham, last ex.—*W. J. Thomas*, Hay, Breconshire, attorney-at-law, Jan. 14 at 11, Bristol, last ex.—*Charles Bartholomew*, Bristol, proprietor of Turkish baths, Jan. 30 at 11, Bristol, last ex.—*Daniel Alder*, Cheltenham, Gloucestershire, stationer, Jan. 20 at 11, Bristol, last ex.—*John Alder* the younger, Cheltenham, Gloucestershire, toy dealer, Jan. 30 at 11, Bristol, last ex.—*Charles Sheppard*, Bridgend, Glamorgan-shire, mineral agent, Jan. 14 at 11, Bristol, last ex.—*John Newton*, Neath, Glamorgan-shire, dealer in cheese, Jan. 13 at 12, Bristol, last ex.—*Isaac Dentley*, Dalton, near Huddersfield, Yorkshire, grocer, Jan. 14 at 11, Leeds, last ex.—*Owen Edwards*, Liverpool, builder, Jan. 3 at half-past 11, Liverpool, last ex.—*Edward Bluck*, Tranmere, Cheshire, and Liverpool, attorney-at-law, Dec. 31 at half-past 12, Liverpool, last ex.—*Peter Stofft*, Liverpool, builder, Jan. 7 at 11, Liverpool, last ex.—*Henry Pugh M. Owen*, Pentrefellin, Ynysybwl, Carnarvonshire, land surveyor, Jan. 7 at 12, Liverpool, last ex.—*William Dodd*, Birkenhead, Cheshire, provision dealer, Jan. 7 at 12, Liverpool, last ex.—*John Scarratt*, Birkenhead, Cheshire, cement dealer, Jan. 3 at 12, Liverpool, last ex.—*Hugh Humphreys*, Hendytown, Merionethshire, merchant, Jan. 10 at 11, Liverpool, last ex.—*George Giovannovich*, Manchester, merchant, Dec. 31 at 11, Manchester, last ex.—*John Shaw*, Broughton-in-Furness, Lancashire, druggist, Jan. 8 at 12, Manchester, last ex.—*James Warren*, Charlestown, Ashton-under-Lyne, Lancashire, provision dealer, Jan. 14 at 12, Manchester, last ex.—*William Yeates*, North Shields, Tynemouth, Northumberland, builder, Jan. 7 at 12, Newcastle-upon-Tyne, last ex.—*Henry F. Webster*,

Darlington, Durham, grocer, Jan. 14 at 12, Newcastle-upon-Tyne, last ex.—*Edward F. Kirsop*, Newcastle-upon-Tyne, grocer, Jan. 10 at 12, Newcastle-upon-Tyne, last ex.—*E. Ashton*, Newcastle-upon-Tyne, draper, Jan. 14 at 11, Newcastle-upon-Tyne, last ex.—*Robert Scott and James Forster*, Newcastle-upon-Tyne, woollendrapers, Jan. 15 at 11, Newcastle-upon-Tyne, last ex.—*J. Cazen*, King's Heath, King's Norton, Worcestershire, cattle dealer, Dec. 24 at 10, Birmingham, last ex.—*Wm. Pratt*, Birmingham, tailor, Jan. 24 at 10, Birmingham, last ex.—*Francis Holmes*, Liverpool, bookkeeper, Jan. 22 at half-past 10, Liverpool, last ex.—*George Heatley*, Llandaff, Glamorganshire, painter, Jan. 24 at 10, Cardiff, last ex.—*Richard Ferguson*, Aberdare, Glamorganshire, market gardener, Jan. 16 at 10, Aberdare, last ex.—*George Thomas*, Aberdare, Glamorganshire, draper, Jan. 16 at 10, Aberdare, last ex.—*Wm. Probert*, Mountain Ash, Llanwanno, Glamorganshire, shoemaker, Jan. 16 at 10, Aberdare, last ex.—*James Marriot*, Whittlesey, Isle of Ely, Cambridgeshire, tailor, Dec. 16 at 12, Peterborough, last ex.—*Samuel Batten*, Peterborough, Northamptonshire, horse-breaker, Dec. 16 at 12, Peterborough, last ex.—*Thos. Case*, Halewood, Childwall, Lancashire, bootmaker, Jan. 8 at 2, St. Helens, last ex.—*Ellen Arnold*, Farnworth, Prescott, Lancashire, grocer, Jan. 8 at 2, St. Helens, last ex.—*William B. Wyatt*, Ifley, Oxfordshire, boat builder, Jan. 9 at 11, Oxford, last ex.—*John Wood*, Oxford, maltster, Jan. 9 at 11, Oxford, last ex.—*Ann Cullis*, Lowesmoor, St. Martin, Worcestershire, coal dealer, Jan. 8 at 10, Worcester, last ex.—*Joseph H. O. Wilson*, Rathmell, Yorkshire, schoolmaster, Feb. 6 at 11, Settle, last ex.—*Humphrey Podd*, Ipswich, Suffolk, bricklayer, Jan. 17 at 10, Ipswich, last ex.—*William Saxby* the younger, Faversham, Kent, out of employ, Jan. 17 at 12, Faversham, last ex.—*Henden Edward Houghton*, Faversham, Kent, baker, Jan. 17 at 12, Faversham, last ex.—*Richard Shilling* the younger, Selling, Kent, bricklayer, Jan. 17 at 12, Faversham, last ex.—*Joseph Root*, Boughton-under-Blean, Kent, builder, Jan. 17 at 12, Faversham, last ex.—*George Constable*, Boughton-under-Blean, Kent, shoemaker, Jan. 17 at 12, Faversham, last ex.—*James Wenham*, Hertford, assistant to a leather dealer, Jan. 15 at 10, Hertford, last ex.—*Sarah Ann Smith*, Leeds, Yorkshire, manager to a dressmaker, Jan. 24 at 12, Leeds, last ex.—*Matthew Marshall*, New Wortley, Leeds, Yorkshire, painter, Jan. 22 at 12, Leeds, last ex.—*George Handley*, Warcop, Westmoreland, cordwainer, Jan. 1 at 11, Appleby, last ex.—*J. Lucas*, Louth, Lincolnshire, licensed victualler, Jan. 11 at 10, Louth, last ex.—*James Hurley*, Exeter, joiner, Jan. 21 at 11, Exeter, last ex.—*Noah Must*, Sudbury, Suffolk, butcher, Dec. 30 at 12, Sudbury, last ex.—*Andrew Beater*, Frederick Dennant, and *James Russ*, Aldermanbury and Fountain-court, City, warehousemen, Dec. 24 at 10, London, pr. d.—*Thomas S. G. Davidson*, Westbourne-grove, Paddington, and Lansdowne-road North, Kensington, Middlesex, bookseller, Jan. 3 at half-past 11, London, div.—*Thomas Soord*, Bishopwearmouth, Durham, corn merchant, Dec. 23 at half-past 12, Newcastle-upon-Tyne, pr. d.—*William Robinson*, Bradford, Yorkshire, grocer, Jan. 21 at 11, Leeds, last ex.—*Robert Edbrooke*, Bristol, brightsmith, Jan. 2 at 11, Bristol, aud. ac.—*John B. Mercer*, Bath, Somersetshire, carpenter, Jan. 16 at 11, Bristol, div.—*Edward Goldschmidt and Hermann Boas*, Nottingham, wholesale stationers, Jan. 7 at 11, Nottingham, div.—*Thomas Dike*, Denbigh-place, Pimlico, Middlesex, Jan. 28 at 12, London, last ex.—*Simon Jones and Alfred Stephen Warwick*, Luton, Bedfordshire, ironmongers, Jan. 14 at 3, London, last ex.—*Robert Sands*, Postern-row, Tower-hill, and Minories, City, photographic artist, Jan. 28 at 12, London, last ex.—*John Stevens*, Smarden, Kent, Jan. 24 at 1, London, last ex.—*Thomas Spicer*, Aldersgate-street, City, oilman, Jan. 8 at 1, London, last ex.—*Joseph Clarke*, Great Warley, Essex, timber merchant, Jan. 8 at half-past 1, London, last ex.—*Wm. Aspland*, Soham, Cambridgeshire, harness maker, Jan. 8 at 11, London, last ex.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Joseph James Dale*, Southwark-bridge-road, Surrey, shoe manufacturer, Jan. 9 at 2, London.—*Thomas Clapham*, Piccadilly, Middlesex, silversmith, Jan. 4 at 12, London.—*P. Fenn*, Milk-street, City, umbrella manufacturer, Jan. 3 at 11, London.—*William H. Culverhouse*, Bunhill-row, Fins-

bury, Middlesex, manufacturing joiner, Jan. 6 at half-past 11, London.—*F. Weatherley*, Old Chapel-row, Kentish-town, Middlesex, draper, Jan. 6 at 1, London.—*John Crosthwaite*, Liverpool, merchant, Jan. 10 at 12, Liverpool.—*William B. Lea*, Leek, Staffordshire, brewer, Jan. 29 at 11, Birmingham.—*Wm. Large*, Tanstall, Staffordshire, grocer, Jan. 17 at 11, Birmingham.—*Thomas Farmer Perry and John E. Wilson*, Bridgnorth and Claverley, Shropshire, timber merchants, Jan. 16 at 11, Birmingham.—*Ludwig Levison*, Leamington, Warwickshire, merchant, Jan. 17 at 11, Birmingham.—*Francis Ormond*, Ouston, Leicestershire, cattle jobber, Jan. 14 at half-past 11, Nottingham.—*John Satheran* the younger, Nottingham, joiner, Jan. 14 at half-past 11, Nottingham.

To be granted, unless an Appeal be duly entered.

*Jonathan Payne*, Milton-street, Dorset-square, Middlesex, horse dealer.—*Thomas Carter*, Windsor-road, Upper Holloway, Middlesex, builder.—*Enrico Fontanello*, Lime-street, City, merchant.—*Robert Griffiths*, Llantrissant, Glamorganshire, innkeeper.—*John Mills Hassall*, Huddersfield, Yorkshire, cloth finisher.—*Wm. Harrison*, Barnsley, Yorkshire, tailor.—*Edward Nelson*, Birmingham, coal dealer.—*Wm. T. Ashwin*, Burslem, Staffordshire, wine merchant.—*Wm. Groatorez*, Leicester, shoe manufacturer.—*George H. Kent*, Stratford-upon-Avon, Warwickshire, timber merchant.—*W. N. S. Cope*, Wellington-street, Goswell-street, Middlesex, and Nottingham, wholesale tobacconist.—*Thomas Leavesley and Henry Leavesley*, Coventry, silk dyers.

#### PETITIONS ANNULLED.

*William Farbon*, Horncastle, Lincolnshire, miller.—*Geo. Cooke*, Knighton, Islington, Devonshire, upholsterer.

#### PARTNERSHIP DISSOLVED.

*William Fretwell Hoyle and Fretwell William Hoyle*, Rotherham, Yorkshire, attorneys, solicitors, and conveyancers.

#### TUESDAY, Dec. 17.

##### BANKRUPTS.

**HENRY FRANKAN**, Manchester, importer of fancy goods, Jan. 2 and 31 at 11, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Sept. 23.

**WILLIAM BULL**, St. John's-square, Clerkenwell, Middlesex, bath proprietor, Dec. 30 at 11, London: Off. Ass. Bell; Sol. Wells, Moorgate-street.—Pet. f. Dec. 13.

**ZACHARY SICKLING**, Butler's-alley, Reynold's-court, Moor-lane, City, fancy stick maker, Dec. 30 at half-past 11, London: Off. Ass. Bell; Sol. Phipps, 20, Coleman-street.—Pet. f. Dec. 13.

**HENRY ROBERT CARR** the elder, Rochester-place, Tottenham-fields, Westminster, Middlesex, ironfounder (trading as Henry Carr & Son), Dec. 30 at 12, London: Off. Ass. Bell; Sol. Marshall, 12, Hatton-garden.—Pet. f. Dec. 14.

**JAMES HENRY BOURDIEU VAUGHAN**, Leicester-square, Hyde-park, Middlesex, Dec. 30 at half-past 12, London: Off. Ass. Bell.

**GEORGE PAULEY**, Danvers-street, Chelsea, Middlesex, commercial clerk, Dec. 30 at 11, London: Off. Ass. Johnson; Sol. Johnson, 30, Doughty-street.—Pet. f. Dec. 13.

**JOSEPH PALMER**, Cheyne-walk, Chelsea, Middlesex, printer, Dec. 30 at half-past 11, London: Off. Ass. Johnson; Sol. Mote, 33, Bucklersbury.—Pet. f. Dec. 14.

**POOLE WATERHOUSE**, Watford, Hertfordshire, baker, Dec. 30 at 1, London: Off. Ass. Johnson; Sols. Robinson & Haycock, 32, Charterhouse-square.—Pet. f. Dec. 9.

**HENRY SHIMELL** (known as HENRY SMITH), White Horse-yard, Liverpool-road, Islington, Middlesex, livery-stable keeper (a prisoner in the Debtors Prison for London and Middlesex), Dec. 30 at 12, London: Off. Ass. Johnson; Sol. Holt, Quality-court.—Pet. f. Dec. 14.

**JANE FOXALL**, Ealing, Middlesex, Jan. 16 at 12, London: Off. Ass. Johnson; Sol. Aldridge, 46, Moorgate-street.

**WALTER BLUNDELL**, Edwards-street, Portman-square, Middlesex, dentist, Jan. 6 at 11, London: Off. Ass. Cannan; Sols. Harrison & Lewis, 6, Old Jewry.—Pet. f. Dec. 14.

**JAMES PURDUE**, Brooke-street, St. Andrew, Holborn, Middlesex (a prisoner in Whitecross-street Prison), Jan. 2 at 11, London: Off. Ass. Pennell.—Pet. f. Dec. 16.

**THOMAS BULBECK**, Chichester, timber merchant, Jan. 2 at half-past 11, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater & Co., 7, Walbrook.—Pet. f. Dec. 7.



- RUFUS ALEXANDER JAMES DAVIES**, Kingston Russell-place, Oakley-square, Middlesex, surgeon, Dec. 31 at 10, London: Off. Ass. Pennell; Sol. Beard, 10, Basinghall-street.—Pet. f. Dec. 12.
- LYON SAMUEL**, Bury-street, St. Mary-axe, City, jeweller, Jan. 2 at 11, London: Off. Ass. Pennell; Sol. Murray, 26, Great St. Helena.—Pet. f. Dec. 12.
- ALFRED JENNINGS**, Deal, Kent, butcher, Dec. 31 at 10, London: Off. Ass. Pennell; Sols. Delassaux, Canterbury; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Dec. 12.
- JOSEPH RACKETT**, Bell-yard, Carey-street, Middlesex, tin-box manufacturer, Jan. 2 at half-past 11, London: Off. Ass. Pennell; Sol. Cattell, 1, Brunswick-row, Queen-square, Bloomsbury.—Pet. f. Dec. 13.
- WILLIAM LITTLE HOWARD**, Bolwell-terrace, Lambeth, Surrey, clerk in the Admiralty, Somerset House, Dec. 31 at 10, London: Off. Ass. Pennell; Sol. Jones, 5, New-inn.—Pet. f. Dec. 11.
- HERBERT MORRIS**, Guildford-street, Russell-square, Middlesex, clerk to the London and Brighton Railway Company, Jan. 2 at 12, London: Off. Ass. Pennell; Sols. Lewis & Lewis, 10, Ely-place.—Pet. f. Dec. 14.
- WILLIAM WILLIAMSON**, Putney, Surrey, linendraper, Dec. 28 at 1, London: Off. Ass. Graham; Sol. Buchanan, 13, Basinghall-street.—Pet. f. Dec. 12.
- WILLIAM EVEREST**, Brighton, Sussex, attorney-at-law, Jan. 7 at half-past 12, London: Off. Ass. Graham; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Dec. 14.
- EDWARD MAXTED**, Lower Eaton-street, Pimlico, out of business, Jan. 1 at 3, London: Off. Ass. Graham; Sols. Delassaux, Canterbury; Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Dec. 13.
- ALFRED WATTS**, Freemantle, Bassett, and Bedwell, Hampshire, builder, Jan. 3 at 2, London: Off. Ass. Graham; Sols. Mackey, Southampton; Peterson, 7, Bouverie-street, London.—Pet. f. Dec. 14.
- ROBERT GERMAN**, Regent-street, Westminster, Middlesex, carpenter, Jan. 3 at 3, London: Off. Ass. Graham; Sol. Cooper, 9, Charing-cross.—Pet. f. Dec. 16.
- CHARLES KEDGE**, Park-road, Old Kent-road, Camberwell, Surrey, cab proprietor, Jan. 1 at 2, London: Off. Ass. Graham; Sol. Binns, 1, Trinity-square, Borough.—Pet. f. Dec. 13.
- CHARLES SILLS** (sued as CHARLES SELLS), Uxbridge, Middlesex, horse dealer (a prisoner in the Debtors Prison for London and Middlesex), Jan. 7 at 1, London: Off. Ass. Stansfeld.—Pet. f. Dec. 16.
- JAMES HOME**, Everahott-street, Hampstead-road, Middlesex, out of business, Jan. 3 at half-past 2, London: Off. Ass. Stansfeld; Sol. Pearpoint, 50, Leicester-square, London.—Pet. f. Dec. 14.
- GEORGE WILLIAM KEENAN**, Great St. Andrew-street, Bloomsbury, Middlesex, undertaker, Jan. 3 at half-past 1, London: Off. Ass. Stansfeld; Sol. Pitman, 94, Upper Stamford-street, Lambeth, Surrey.—Pet. f. Dec. 14.
- HENRY CHARLES HOPKINS** (generally known as HENRY HOPKINS), Dorset-place, Pall-mall, Middlesex, confectioner, Dec. 26 at half-past 12, London: Off. Ass. Stansfeld; Sols. Lewis & Sons, 7, Wilmington-square, London.—Pet. f. Dec. 12.
- CHARLES JOHN TANNER**, Portland-terrace, Victoria-road, Dalston, Middlesex, out of business, Jan. 1 at half-past 2, London: Off. Ass. Stansfeld; Sol. Cooper, 9, Charing-cross.—Pet. f. Dec. 13.
- HENRY TAYLER**, Frederick-villas, Queen's-road, Dalston, Middlesex, merchant's clerk, Dec. 28 at 12, London: Off. Ass. Stansfeld; Sol. Stocken, 61, Cornhill.—Pet. f. Dec. 13.
- ALEXANDER CHAMPION MARSDEN**, Colchester, Essex, draper, Jan. 2 at 10, London: Off. Ass. Edwards; Sols. Davidson & Co., 22, Basinghall-street.—Pet. f. Dec. 12.
- JAMES EGLINTON**, Easton-road, St. Pancras, Middlesex, dealer in carriages, Jan. 7 at 10, London: Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 13.
- HENRY THOMAS HUNT**, Goldsmith's-row, Hackney-road, Middlesex, tailor, Dec. 31 at 12, London: Off. Ass. Edwards; Sol. Atkinson, 51, Bedford-row.—Pet. f. Dec. 10.
- JOHN ROGERS**, Feltham, Middlesex, market gardener, Jan. 7 at 10, London: Off. Ass. Edwards; Sol. May, 2, Adelaide-place.—Pet. f. Dec. 12.
- THOMAS HIPKINS**, Carbrooke, Norfolk, general smith, Jan. 7 at 10, London: Off. Ass. Edwards; Sols. Pollard, Ipswich; Shireff & Son, Lincoln's-inn-fields.—Pet. f. Dec. 14.
- JOSEPH HARRISON**, Cain-place, Kentish-town, and Clarendon-mews, Camden-road-villas, Camden-town, Middlesex, corn merchant, Jan. 31 at 2, London: Off. Ass. Edwards; Sols. Newbon & Co., Doctors'-commons.—Pet. f. Dec. 10.
- JOHN DREW**, High-street, Camberwell, Surrey, clerk to an attorney, Jan. 9 at 10, London: Off. Ass. Edwards; Sol. Hill, 10, Basinghall-street.—Pet. f. Dec. 13.
- GEORGE BARRETT**, Landport, Portsea, Hampshire, greengrocer, Jan. 2 at 11, London: Off. Ass. Edwards; Sols. Ford, Portsea; Low, 65, Chancery-lane.—Pet. f. Dec. 14.
- FRITZ STUTE**, Thomas's-terrace, Lower-road, Islington, Middlesex, out of business, Jan. 7 at 11, London: Off. Ass. Edwards; Sol. Kent, Cannon-street.—Pet. f. Dec. 16.
- EDWIN HOW**, Golden-lane, St. Luke's, glass dealer, and Murray-street, New North-road, Middlesex, lodging-house keeper, Jan. 9 at 10, London: Off. Ass. Edwards; Sol. Smith, 15, Wilmington-square.—Pet. f. Dec. 16.
- JOHN HENRY COLLIER**, Princes End, Staffordshire, tailor, Dec. 30 at 12, Birmingham: Off. Ass. Whitmore.
- THOMAS ASTON**, Wolverhampton, Staffordshire, engine manufacturer, Dec. 27 at 11, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.
- JAMES HILES**, Bloxwich, Staffordshire, victualler, Dec. 30 at 12, Birmingham: Off. Ass. Whitmore.
- FRANCIS BURT**, Meriden, Warwickshire, maltster, Jan. 6 at 12, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Dec. 16.
- SAMUEL WILLIAM LLOYD TICHBORNE**, Wolverhampton, Staffordshire, commission agent, Dec. 30 at 12, Birmingham: Off. Ass. Kinnear.
- WILLIAM WARD**, Coventry, Warwickshire, ribbon manufacturer, Dec. 30 at 12, Birmingham: Off. Ass. Kinnear; Sol. Duke, Birmingham.—Pet. f. Dec. 13.
- ARTHUR WORRAL**, Dudley, Worcestershire, architect, Dec. 30 at 12, Birmingham: Off. Ass. Kinnear.
- JOHN POTTER**, Cotmanhay, Ilkeston, Derbyshire, Jan. 9 at 11, Nottingham: Off. Ass. Harris; Sol. Brewis, Nottingham.—Pet. f. Dec. 12.
- BENJAMIN CLARKE**, Hullavington, Wiltshire, cattle dealer, Dec. 30 at 11, Bristol: Off. Ass. Acraman; Sols. Abbot & Co., Bristol.—Pet. f. Dec. 13.
- JOHN GLOVER**, Swansea, Glamorganshire, grease manufacturer, Dec. 30 at 12, Bristol: Off. Ass. Miller; Sols. Simons & Plews, Merthyr; Henderson, Bristol.—Pet. f. Dec. 10.
- THOMAS GRIBBLE**, West Teignmouth, Devonshire, innkeeper, Jan. 2 at 12, Exeter: Off. Ass. Hirtzel; Sol. Clarke, Exeter.—Pet. f. Dec. 9.
- BENJAMIN BURDETT**, Cumberworth, near Huddersfield, Yorkshire, skirt manufacturer, Jan. 7 at 11, Leeds: Off. Ass. Carrick; Sols. Armitage, Huddersfield; Bond & Barwick, Leeds.—Pet. f. Dec. 4.
- JOHN HOLMES**, Doncaster, Yorkshire, tailor, Dec. 28 at 11, Sheffield: Off. Ass. Young; Sol. Mason, York and Sheffield.—Pet. f. Dec. 12.
- WILLIAM DRANSFIELD**, Milnhouse Dale, Tideswell, Derbyshire, licensed victualler, Dec. 28 at 11, Sheffield: Off. Ass. Young.
- JONATHAN SLACK**, Sheffield, Yorkshire, leather cutter, Dec. 28 at 11, Sheffield: Off. Ass. Young; Sol. Broomhead, Sheffield.—Pet. f. Dec. 7.
- THOMAS LISTER**, Whittington, Derbyshire, colliery proprietor, Dec. 28 at 11, Sheffield: Off. Ass. Young; Sol. Unwin, Sheffield.—Pet. f. Dec. 14.
- JAMES BRYANT TAPP** and **CHARLES TAPP**, Chesterfield, Derbyshire, boiler makers (trading under the style or firm of Tapp Brothers), Dec. 28 at 11, Sheffield: Off. Ass. Young; Sols. Hooper & North, West Bromwich; Smith & Burdakin, Sheffield.—Pet. f. Dec. 14.
- ANN HARRISON**, Fatfield, Durham, licensed victualler, Dec. 30 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ingledew & Daggett, Newcastle-upon-Tyne.—Pet. f. Dec. 11.
- JAMES NEWAL**, Crewe, near Nantwich, Cheshire, licensed victualler, Dec. 31 at half-past 1, Liverpool: Off. Ass. Morgan.

- RICHARD RUSSELL**, Liverpool, lithographic printer, Dec. 27 at half-past 12, Liverpool: Off. Ass. Turner.
- WILLIAM JOHNS**, West Derby, Lancashire, commercial traveller, Dec. 27 at half past 12, Liverpool: Off. Ass. Bird.
- WALTER SHEPPARD**, Hulme, Manchester, auctioneer, Dec. 28 at 12, Manchester: Off. Ass. Hernaman; Sol. Sutton, Manchester.—Pet. f. Dec. 14.
- CHARLES EDMUND MEREDITH**, Manchester, law stationer (trading with Richard Higgins, under the firm or style of C. E. Meredith & Co.), Dec. 28 at 11, Manchester: Off. Ass. Hernaman; Sol. Swan, Manchester.—Pet. f. Dec. 12.
- JOHN WALKER**, Hulme, Manchester, book-keeper, Dec. 27 at 11, Manchester: Off. Ass. Fraser; Sols. G. & R. W. Marsland, Manchester.—Pet. f. Dec. 13.
- LANCELOT HINDSON**, Newcastle-upon-Tyne, tailor (carrying on business with Robert Hindson, under the style or firm of Hindson Brothers), Dec. 3 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Beckington, Newcastle-upon-Tyne.—Pet. f. Dec. 13.
- SAMUEL WHITEHOUSE**, Birmingham, bootmaker, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sol. Allen, Birmingham.—Pet. f. Dec. 13.
- GEORGE BURRIDGE**, Birmingham, out of business, Dec. 20 at 10, Birmingham: Off. Ass. Guest; Sol. Powell, Birmingham.—Pet. f. Dec. 11.
- GEORGE RICHARDS**, Birmingham, and Harborne, Staffordshire, packing-case maker, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sol. Smith, Birmingham.—Pet. f. Dec. 13.
- WILLIAM VAUGHAN**, Bristol, fish dealer, Jan. 9 at 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Sabine, Bristol.—Pet. f. Dec. 10.
- ROBERT HICKS**, Bristol, potato dealer, Jan. 9 at half-past 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Sabine, Bristol.—Pet. f. Dec. 12.
- JOHN GALLAGHER**, Liverpool, fruit dealer, Jan. 2 at 3, Liverpool: Off. Ass. Hime; Sols. Evans & Co., Liverpool.
- WILLIAM THOMASON**, Liverpool, wheelwright, Jan. 3 at half-past 2, Liverpool: Off. Ass. Hime; Sols. Evans & Co., Liverpool.
- WILLIAM JONES**, Liverpool, general dealer, Jan. 3 at 3, Liverpool: Off. Ass. Hime; Sols. Evans & Co., Liverpool.
- THOMAS EVANS**, Liverpool, car proprietor, Jan. 2 at half-past 2, Liverpool: Off. Ass. Hime; Sols. Evans & Co., Liverpool.
- ALEXANDER STAUENGLI**, otherwise STOWRENGHI, St. Mary, Cardiff, Glamorganshire, dealer in cattle, Dec. 30 at 11, Cardiff: Off. Ass. Langley; Sol. Wilcecks, Cardiff.—Pet. f. Dec. 12.
- JOHN REES**, Cardiff, Glamorganshire, grocer, Dec. 30 at 11, Cardiff: Off. Ass. Langley.
- THOMAS TURRALL**, West Orchard, Coventry, Warwickshire, cattle dealer, Jan. 4 at 2, Coventry: Off. Ass. Troughton; Sol. Sherwood, Leamington.—Pet. f. Dec. 4.
- ROBERT WHITEHEAD**, Coventry, Warwickshire, out of business, Jan. 4 at 3, Coventry: Off. Ass. Troughton; Sol. Overall, Coventry.—Pet. f. Dec. 10.
- JAMES ECCLES**, Paddock, near Huddersfield, Yorkshire, grocer, Jan. 2 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Freeman, Huddersfield.—Pet. f. Dec. 4.
- RICHARD THORNTON**, Huddersfield, woollen dyer, Jan. 2 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Dransfield, Huddersfield.—Pet. f. Dec. 5.
- SAMUEL WOOD**, Huddersfield, Yorkshire, dealer in German yeast, Jan. 2 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Freeman, Huddersfield.—Pet. f. Dec. 10.
- AMOS HAINES**, Cheltenham, Gloucestershire, labourer, Dec. 31 at 11, Cheltenham: Off. Ass. Gale; Sol. Williams, Cheltenham.—Pet. f. Dec. 10.
- WILLIAM LREEDHAM**, Sherburn, near Tadcaster, Yorkshire, shopkeeper, Jan. 1 at 11, Tadcaster: Off. Ass. Bickers; Sol. Harle, Leeds.—Pet. f. Dec. 11.
- WILLIAM INMAN**, Little Preston, Yorkshire, banksman, Jan. 4 at 12, Pontefract: Off. Ass. Coleman; Sol. Harle, Leeds.—Pet. f. Dec. 11.
- GRIFFITH THOMAS** (sometimes called GRIFFITH GRIFITHS), Plaschwngddau, Llanor, Carnarvonshire, corn dealer, Dec. 24 at 11, Pwllheli: Off. Ass. Owen; Sol. Williams, Carnarvon.—Pet. f. Dec. 5.
- JOHN MILLS**, Dudley, Worcestershire, baker, Dec. 27 at 11, Dudley: Off. Ass. Walker; Sol. Warrington, Dudley.—Pet. f. Dec. 12.
- JOSEPH STARR**, Frome Selwood, Somersetshire, cloth dresser, Dec. 30 at 2, Frome: Off. Ass. Messier; Sol. Dunn, Frome.—Pet. f. Dec. 11.
- CHRISTOPHER INCH**, Torquay, Devonshire, cab proprietor, Dec. 28 at 11, Newton Abbot: Off. Ass. Pidsley; Sol. Parsons.—Pet. f. Dec. 6.
- THOMAS HOLROYD**, Rastrick, Halifax, Yorkshire, blacksmith, Dec. 27 at 10, Halifax: Off. Ass. Dyson & Rankin; Sol. Jubb, Halifax.—Pet. f. Dec. 12.
- JOHN HARDMAN**, Newchurch, Forest of Rossendale, Lancashire, confectioner, Dec. 26 at 12, Bacup: Off. Ass. Hall; Sol. Partington, Bacup.—Pet. f. Dec. 12.
- WILLIAM HENRY BRADBURY**, Longton, Staffordshire, grocer, Dec. 28 at 11, Stoke-upon-Trent: Off. Ass. Kary; Sol. Litchfield.—Pet. f. Dec. 13.
- CHARLES SMART**, St. Cuthbert, Thetford, Norfolk, ironmonger, Dec. 27 at 11, Thetford: Off. Ass. Clarke; Sol. Walpole, Northwold.—Pet. f. Dec. 9.
- CHARLES FORD**, Poulton-le-Sands, near Lancaster, Lancashire, surgeon, Dec. 27 at 12, Lancaster: Off. Ass. Dunn; Sol. Rawlinson, Lancaster.—Pet. f. Dec. 13.
- EVAN EVANS**, Portmadoc, Carnarvonshire, tailor, Dec. 23 at 12, Portmadoc: Off. Ass. Jones.—Pet. f. Dec. 5.
- GEORGE DOLLIMORE**, Ivinghoe, Buckinghamshire, grocer, Jan. 15 at 10, Leighton Buzzard: Off. Ass. Kipling; Sol. Marshall, Hatton-garden, London.—Pet. f. Dec. 11.
- JOHN WYMARK**, Brighton, Sussex, carpenter, Dec. 28 at 8, Brighton: Off. Ass. Evershed; Sol. Lamb, Brighton.—Pet. f. Dec. 14.
- EDMUND BROWN**, Shieldfield, Newcastle-upon-Tyne, draper's assistant, Jan. 16 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Dec. 14.
- ALEXANDER CAMPBELL**, Newcastle-upon-Tyne, mariner, Jan. 16 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton.—Pet. f. Dec. 12.
- CATHERINE PARKINSON**, spinster, Newmarket, Cambridgeshire, schoolmistress, Jan. 3 at 11, Newmarket: Off. Ass. Button; Sol. Garratt, Cambridge.—Pet. f. Dec. 13.
- ANN COLEBROOK**, Maidstone, Kent, out of business, Dec. 30 at 10, Maidstone: Off. Ass. Scudamore; Sol. Morgan, Maidstone.—Pet. f. Dec. 13.
- WILLIAM WHITE**, Pembroke Dock, Pembrokeshire, licensed victualler, Jan. 6 at 10, Pembroke: Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. Dec. 14.
- JOHN BEADSMORE**, Ashby-de-la-Zouch, Leicestershire, printer, Dec. 23 at 10, Ashby-de-la-Zouch: Off. Ass. Dewes; Sol. Cheate, Ashby-de-la-Zouch.—Pet. f. Dec. 10.
- DAVID WOOD VIGORS**, Cadoxton-juxta-Neath, Glamorganshire, short-hand writer, Jan. 8 at 12, Neath: Off. Ass. Morgan; Sol. Cathbertson, Neath.—Pet. f. Dec. 11.
- JOHN BURKE**, Louth, Lincolnshire, tailor, Dec. 30 at 12, Louth: Off. Ass. Waite; Sols. Brown & Son, Lincoln.
- ISAAC MASON**, Aberaman, Aberdare, Glamorganshire, shoemaker, Dec. 31 at 11, Aberdare: Off. Ass. Ross.
- GEORGE DIMOND**, Gosport, Hampshire, dealer in stationery, Dec. 28 at 11, Portsmouth: Off. Ass. Howard; Sol. Stening, Portsea.
- FREDERICK HOGGARD**, Rudston, Yorkshire, tailor, Dec. 28 at 10, Bridlington: Off. Ass. Taylor; Sol. Hodgson, Great Driffield.—Pet. f. Dec. 14.
- WILLIAM STANLEY**, Blackden, Cheshire, farm servant, Dec. 28 at 10, Congleton: Off. Ass. Latham; Sol. Cooper, Congleton.—Pet. f. Dec. 14.

## MEETINGS.

*Isaac Gadsby*, Camden-town, Middlesex, licensed victualler, Jan. 16 at half-past 12, London, last ex.—*John Dorrer*, Caversham, Oxfordshire, builder, Jan. 14 at 2, London, last ex.—*John Moore*, Ely, Cambridgeshire, innkeeper, Jan. 9 at half-past 1, London, last ex.—*James Crick*, Soham, Cambridgeshire, innkeeper, Jan. 9 at 12, London, last ex.—*James Wildy*, Union-crescent, New Kent-road, Surrey, law bookseller, Jan. 14 at 11, London, last ex.—*John W. Simmons*, Westbourne-park-villas, Paddington, Middlesex, lodging-house keeper, Jan. 16 at 11, London, last ex.—*Thomas H. Bakerwell*, Leighton-grove, Kentish-town, Middlesex, Jan. 14 at 11, London, last ex.—*Wm. Bakerwell*, Queensburg-street

and Diana-place, Regent's-park, Middlesex, sculptor, Jan. 21 at 11, London, last ex.—*Samuel Palmer*, Oak-village, Kentish-town, Middlesex, printer, Jan. 11 at half-past 11, London, last ex.—*John Crowther*, High-street, Hoxton, Middlesex, grocer, Jan. 21 at 11, London, last ex.—*Wm. S. Spinks*, St John's-road, Hoxton, Middlesex, carpenter, Jan. 14 at 12, London, last ex.—*Josiah Morris*, Montpellier-terrace, Notting-hill, Middlesex, Jan. 11 at half-past 12, London, last ex.—*Cornelius Redgrave*, Brydges-street, Covent-garden, Middlesex, bagatelle board maker, Jan. 11 at 11, London, last ex.—*Benjamin Burford*, Great York-mews, Baker-street, Middlesex, livery-stable keeper, Jan. 14 at half-past 11, London, last ex.—*John Edward Hill*, Jeffery's-square, St. Mary-axe, City, merchant's clerk, Jan. 24 at 1, London, last ex.—*Louis De Labellville*, Brunswick-terrace, near Camberwell-gate, Surrey, professor of literature, Jan. 24 at 1, London, last ex.—*John Finigan*, Duncan-terrace, Islington, Middlesex, out of business, Jan. 14 at half-past 2, London, last ex.—*Hugh McNulty*, Belgrave-street, Commercial-road East, Middlesex, master mariner, Jan. 14 at 3, London, last ex.—*Andrew William Baker*, Hastings, Sussex, bookseller, Jan. 15 at half-past 12, London, last ex.—*Abraham Ritch*, Drury-lane, Middlesex, glass cutter, Jan. 15 at half-past 2, London, last ex.—*James Chapman*, South Town, Gorleston, near Great Yarmouth, Suffolk, shipwright, Jan. 15 at 3, London, last ex.—*Richard A. Farquharson*, Holland-terrace, Millbrooke-road, Brixton, Surrey, not in any profession, Jan. 15 at 1, London, last ex.—*Thomas G. Pratt*, Wilby, Northamptonshire, brickmaker, Jan. 15 at half-past 11, London, last ex.—*Andrew Beater*, Frederick Dennant, and *James Russ*, Aldermanbury and Fountain-court, City, warehousemen, Jan. 15 at 3, London, last ex.—*Edward Thomas Godden*, Great Randolph-street, Camden-town, Middlesex, furniture dealer, Jan. 15 at 12, London, last ex.—*Thomas Jennings*, Norman-terrace, Wandsworth-road, Surrey, button dealer, Jan. 14 at 11, London, last ex.—*James Wade* and *George Wade*, Ipswich, Suffolk, saddlers, Jan. 14 at 12, London, last ex.—*Alfred Fantham*, Wendover, Buckinghamshire, coal merchant, Jan. 14 at half-past 11, London, last ex.—*Temple G. Tolley*, Lamb-street, Spitalfields, Middlesex, builder, Jan. 14 at half-past 1, London, last ex.—*H. Fisher*, Avenue-road, Hammersmith, Middlesex, painter, Jan. 14 at 1, London, last ex.—*Moses Gillingham*, Warren-street, Tottenham-court-road, Middlesex, builder, Jan. 14 at half-past 12, London, last ex.—*Henry Newport*, Ramsgate, Kent, lodging-house keeper, Jan. 14 at 2, London, last ex.—*Wm. F. Reed*, Charlotte-street, Fitzroy-square, Middlesex, musician, Jan. 14 at 1, London, last ex.—*Thomas Renfres*, Penzance, Cornwall, shoe manufacturer, Jan. 21 at 12, Exeter, last ex.—*John Peter Willmot*, Plymouth, Devonshire, chemist, Jan. 20 at half-past 12, Plymouth, last ex.—*George Cozens*, High Ham, near Langport, Somersetshire, cattle dealer, Jan. 21 at 12, Exeter, last ex.—*William Andrew*, Lincoln, boarding-house keeper, Jan. 8 at 12, Kingston-upon-Hull, last ex.—*James Tilley*, Widness, Lancashire, builder, Jan. 4 at 11, Liverpool, last ex.—*Gaskell Johnson*, Liverpool, merchant, Jan. 3 at 1, Liverpool, last ex.—*Anne Church*, Liverpool, licensed victualler, Jan. 3 at half-past 1, Liverpool, last ex.—*George W. Fletcher*, Radcliffe-bridge, Lancashire, cotton manufacturer, Dec. 28 at 11, Manchester, last ex.—*John Krauss* the younger and *Alexander Shaw*, Manchester, calico printers, Jan. 3 at 12, Manchester, last ex.—*John Mather*, Warrington, Lancashire, music seller, Jan. 17 at 12, Manchester, last ex.—*Richard Scott*, Everton, Lancashire, out of business, Jan. 22 at half-past 10, Liverpool, last ex.—*Richard Godsell*, Whippingham, Isle of Wight, Hampshire, gardener, Jan. 23 at 10, Newport, last ex.—*Ann Cave*, Canabrooke, Isle of Wight, Hampshire, baker, Jan. 23 at 10, Newport, last ex.—*John Robbins*, Lytchett Matravers, Dorsetshire, grocer, Jan. 14 at 12, Poole, last ex.—*C. Nickson*, Blackpool, Lancashire, livery-stable keeper, Jan. 1 at 10, Poulton, last ex.—*William E. Lowe*, Lincoln, dyer, Jan. 7 at 12, Lincoln, last ex.—*Thomas Calvert*, Exeter, professor of music, Jan. 28 at 11, Exeter, last ex.—*William Wade*, Wickham Market, Suffolk, baker, Jan. 15 at 11, Woodbridge, last ex.—*Thomas Taylor*, Wickham Market, Suffolk, saddler, Jan. 15 at 11, Woodbridge, last ex.—*Wm. Warner*, Trimley St. Martin, Suffolk, grocer, Jan. 15 at 11, Woodbridge, last ex.—*Thomas Short*, Simonsbath, Exmoor, Somersetshire, travelling tea dealer, Jan. 8 at 11, Southampton, last ex.—*Henry Howarth*, Bagelate, Rochdale, Lancashire, farmer,

Jan. 15 at 12, Rochdale, last ex.—*John Cuscliffe*, Rochdale, Lancashire, tanner, Jan. 15 at 12, Rochdale, last ex.—*Thos. Calvert*, Rochdale, Lancashire, iron moulder, Jan. 15 at 12, Rochdale, last ex.—*Samuel Wichens*, Tunbridge Wells, Kent, corn dealer, Jan. 17 at 10, Tunbridge Wells, last ex.—*George Russell*, Tunbridge Wells, Kent, lodging-house keeper, Jan. 17 at 10, Tunbridge Wells, last ex.—*Abraham Allen*, Rust-hall, Speldhurst, Kent, bricklayer, Jan. 17 at 10, Tunbridge Wells, last ex.—*W. L. Martin*, Norwood, Surrey, ironmonger, Jan. 10 at 10, Gravesend, last ex.—*Frank Hutchinson*, Elton, Lancashire, grocer, Jan. 1 at 11, Bury, last ex.—*G. W. King*, Southsea, Portsea, Hampshire, butcher, Jan. 7 at 11, Portsmouth, last ex.—*Charles Cropp*, Portsea, Hampshire, tailor, Jan. 7 at 11, Portsmouth, last ex.—*J. Reeves*, Poston, Derbyshire, out of business, Feb. 3 at 2, Burton, last ex.—*Robert Bell*, Alnwick, Northumberland, fishmonger, Jan. 17 at 11, Alnwick, last ex.—*Robert Hetherington*, Shieldfield, Newcastle-upon-Tyne, house carpenter, Jan. 16 at 10, Newcastle, last ex.—*John Barker*, Newcastle-upon-Tyne, cabinet maker, Jan. 16 at 10, Newcastle, last ex.—*Benjamin Overden*, Newcastle-upon-Tyne, out of business, Jan. 16 at 10, Newcastle, last ex.—*John Robson*, Newcastle-upon-Tyne, licensed victualler, Jan. 16 at 10, Newcastle, last ex.—*Wm. Oliver*, Newcastle-upon-Tyne, grocer, Jan. 16 at 10, Newcastle, last ex.—*Thomas Nison*, Newcastle-upon-Tyne, out of business, Jan. 16 at 10, Newcastle, last ex.—*Archibald H. Brown*, Newcastle-upon-Tyne, butcher, Jan. 16 at 10, Newcastle, last ex.—*James Henry Mills*, Brighton, Sussex, Jan. 18, Brighton, last ex.—*John Sadler*, Fishergate, near Shoreham, Sussex, oyster dredger, Jan. 3 at 12, Brighton, last ex.—*Harry Winkworth*, Bursledon, Hampshire, brewer, Jan. 3 at 11, Southampton, last ex.—*Edmund Wilkinson*, Shiffnal, Shropshire, innkeeper, Jan. 18 at 10, Madeley, last ex.—*David Runtom*, Cottingham, Yorkshire, farmer, Jan. 17 at 10, Kingston-upon-Hull, last ex.—*John W. Richardson*, Kingston-upon-Hull, painter, Jan. 17 at 10, Kingston-upon-Hull, last ex.—*A. Bamaschina*, Gravesend, Kent, general dealer, Jan. 10 at 10, Gravesend, last ex.—*Joseph Sowerby* and *Charles Thomas Taitton*, Regent-circus, Oxford-street, Middlesex, drapers, Jan. 2 at 10, London, pr. d.—*Robert Edbrooke*, Bristol, brightsmith, Jan. 2 at 11, Bristol, aud. ac.—*Richard Evans*, Tyddyn-y-Pandy, Towyn, Merionethshire, fuller, Dec. 27 at 11, Liverpool, aud. ac.—*Wm. Reed*, Salisbury-place, Lock's-fields, Walworth, Surrey, carman, Jan. 4 at 11, London, div.—*Thomas Edge*, Great Peter-street and Vincent-square, Westminster, Middlesex, gas-meter manufacturer, Jan. 8 at 12, London, div.—*Gabriel Selig*, North-buildings, Finsbury-circus, City, dealer in watches, Jan. 9 at 12, London, div.—*William J. Windram* and *Edward S. Tebbutt*, Leicester, elastic web manufacturers, Jan. 9 at 11, Nottingham, div.—*Joseph Witley*, Leeds, Yorkshire, brassfounder, Jan. 9 at 11, Leeds, div.—*George Hill*, South Milford, Yorkshire, grocer, Jan. 9 at 11, Leeds, div.—*James Gray*, Leeds, Yorkshire, joiner, Jan. 16 at 11, Leeds, div.—*Richard Binney* and *Joseph W. Binney*, Leeds, Yorkshire, stockbrokers, Jan. 9 at 11, Leeds, div. sep. est. of *Richard Binney*.—*Robert Edmeston* and *Thomas Higham*, Birtal, Yorkshire, stuff manufacturers, Dec. 20 at 11, Leeds, div. sep. est. of *Thomas Higham*.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Philip T. Miller*, Aylesbury, Buckinghamshire, linen-draper, Jan. 8 at 11, London.—*Wm. Hart* and *John Hart*, Framlingham and Dennington, Suffolk, drapers, Jan. 8 at 12, London.

To be granted, unless an Appeal be duly entered.

*Manoel J. Soares* and *Augusto Soares*, Mark-lane, City, commission merchants.

## PETITION ANNULLED.

*Richard Case*, Bethnal-green-road, Middlesex.

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**SPENCER KINGSFORD**, Milk-street, Cheapside, City, manufacturer of fancy trimmings, Jan. 3 at 1, London: Off. Ass. Bell; Sols. Kearsey & Co., Bucklersbury.—Pet. f. Dec. 18.

**SYDNEY HERBERT DAVIES**, Aldershot, Southampton, Lieutenant in the Second Battalion of her Majesty's 16th Regiment of Foot (a prisoner in Winchester Gaol), Jan. 3 at 12, London: Off. Ass. Bell; Sol. Evans, 10, John-st., Bedford-row.—Pet. f. Dec. 18.

**GEORGIANA WRIGHT**, Great Warley, Essex, school-mistress, Jan. 8 at 11, London: Off. Ass. Bell; Sol. Preston, Broad-street-buildings.—Pet. f. Dec. 17.

**EDWIN OMBLER**, Trinity-square, Tower-hill, Middlesex, herbalist (a prisoner in the Debtors Prison for London and Middlesex), Jan. 3 at 11, London: Off. Ass. Bell; Sol. Hill, Basinghall-street.—Pet. f. Dec. 18.

**JOHN EVENDEN**, St. Mary Cray, Kent, carrier, Jan. 3 at 2, London: Off. Ass. Bell; Sol. May, 2, Adelaide-place, London-bridge.—Pet. f. Dec. 18.

**SAMUEL GRANGER**, Murray-street, Hoxton, Middlesex, baker, Jan. 3 at 2, London: Off. Ass. Johnson; Sols. Harrison & Lewis, Old Jewry.—Pet. f. Dec. 6.

**HARMAN MATTHEW MILTON**, Union-street, Kennington-road, Surrey, livery-stable keeper, Jan. 3 at half-past 11, London: Off. Ass. Johnson.

**WOOLF HYAMS**, Portsea and Southsea, Hampshire, auctioneer, Jan. 3 at half-past 1, London: Off. Ass. Johnson; Sols. Mackay, Southampton; Paterson & Son, Rouverie-street, London.

**JOHN HOWARD**, High Wycombe, Buckinghamshire, builder, Jan. 3 at half-past 11, London: Off. Ass. Johnson; Sols. Greville & Tucker, 28, St. Swithin's-lane.—Pet. f. Dec. 17.

**GEORGE RUSSELL** (known also as **CHARLES RUSSELL**), Beaumont-street, St. Marylebone, Middlesex, lodging-house keeper, Dec. 30 at 11, London: Off. Ass. Johnson.—Pet. f. Dec. 16.

**CHARLES TURNER**, Penge, Surrey, publican, Jan. 3 at 12, London: Off. Ass. Johnson.

**THOMAS COLEBROOK**, Maida-valle, Middlesex (a prisoner in the Debtors Prison for London and Middlesex), Jan. 6 at 11, London: Off. Ass. Cannan.

**JOHN FIGG**, Farnham, Surrey, boot maker, Jan. 6 at 12, London: Off. Ass. Cannan; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. Dec. 19.

**JOSEPH ABLETT PETTIT** the younger, Bildeston, Suffolk, builder (a prisoner in Ipswich Gaol), Jan. 6 at 12, London: Off. Ass. Cannan; Sols. Digby & Son, 80, Chancery-lane.—Pet. f. Nov. 21.

**THOMAS JOHNSON**, Northampton, builder, Jan. 6 at half-past 11, London: Off. Ass. Cannan; Sol. Kingdon, 3, Laurence-lane.—Pet. f. Dec. 18.

**EDMUND IMPEY**, Hague-street, Bethnal-green-road, Middlesex, baker, Jan. 6 at half-past 11, London: Off. Ass. Cannan; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 17.

**JAMES METCALFE DOBSON**, Abbey-gardens, St. John's-wood, Middlesex, solicitor (a prisoner in the Debtors Prison for London), Jan. 6 at 11, London: Off. Ass. Cannan; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 17.

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## THE JURIST.

LONDON, DECEMBER 28, 1861.

THE answer of the Government of the United States of America to the demand of the British Government for explanation of, or apology for, the boarding, by the United States frigate San Jacinto, of the British mail steamer Trent, and capture from her of Messrs. Mason and Slidell, commissioners from the Confederate States of North America to two of the European Powers, may very soon be expected—an answer which probably will determine the important question whether there is to be peace or war between Great Britain and the United States. The legality of that act has been the subject of continual discussion ever since the news of the event arrived in this country, and has been made the subject of great and angry comment. We have forbore, and shall continue to forbear, entering into that question until the answer of the

American Government arrives; and this for the simple reason, that we have not at present before us any admitted state of facts on which to form a judgment. The observation of Mr. Justice Blackstone, that the law rarely hesitates in declaring its own meaning, and that the immense majority of cases litigated in courts of justice are wholly or principally disputes respecting facts, holds with equal force in international as in municipal law. Indeed, it applies with even greater force in the former, because, in an ordinary law-suit, if the litigant parties differ upon the facts, there is an authoritative means of deciding them; whereas, in the latter, each of the contending Governments determines the facts as it best may, without the control of any superior; and has too often to discharge this duty amid a storm of misrepresentation, prejudice, and passion which renders calm reasoning difficult, if not impossible.

The present case forms a good illustration. An account reaches this country that the British flag has



been insulted, by a British steamer having been boarded by an American frigate, and two gentlemen forcibly taken out of her, who were avowedly proceeding to Europe with the view of inducing the British and French Governments to recognise the independence of the Confederate States of North America—which the Government of the United States resolutely denies, and is now engaged in a desperate war with those States to suppress. To this complaint is added, that the manner of doing the act was at variance with the custom of nations, in this—that the frigate, instead of firing a gun with blank cartridge, to induce The Trent to bring to, fired a shotted gun and a loaded shell across her bows. On the receipt of this intelligence, the British Government, in the discharge of its duty, demands explanation, and, if necessary, satisfaction; and, until an answer is received to that demand, it is impossible to predict either peace or war. Several courses are open to the American Government. First, they may disavow the act of their officer, and make the *amende honorable*. Secondly, supposing they justify the act of their officer, they may do so on many different grounds. We observe that that officer, in an official report made by him to his superiors, has justified the act on the ground that The Trent, a vessel belonging to a neutral State, was carrying “despatches” for the Confederate Government. Such an act is, generally speaking, a violation of international law, where the war is between two independent nations; but if the fact stated by the American captain be true, the question would arise, whether the circumstance of England not having formally recognised the independence of the Confederate States makes any difference in this respect. On the important question—was The Trent really carrying such despatches?—some colour is given to the statement by this—that in the first account of the transaction that reached this country it was stated, with apparent satisfaction, that the despatches had escaped capture. Again: supposing The Trent was carrying despatches, did that justify the forcible removal of those particular persons from her, or was the capture and condemnation of the ship as prize the only legitimate consequence of such misconduct? But, on the other hand, suppose the charge against The Trent of carrying despatches turns out to be unfounded, then comes the question, whether the frigate had a right to search a neutral vessel, and take American citizens out of her—a question which throws open the old and much-disputed one of the right of search at sea; and, supposing the affirmative, involves the other one, whether the Government of this country has in any way recognised the existence of the Confederate States as independent of the United States. And, after all, it is possible that the American Government may not take any of these grounds of defence, but justify the conduct of its officer on some other grounds, with which we are at present unacquainted.

With respect to the additional question—the manner in which the act was done—the solution of it depends, we apprehend, on the solution of the previous question, whether the act was justifiable at all. The firing an unshotted gun is undoubtedly one mode of

bringing a vessel to at sea; but the firing a shotted gun across her bows, or “à boulet perdu,” is another, and we apprehend by no means uncommon one in time of war; and which of these is the proper course to adopt in any particular instance depends on circumstances. If, however, the American Government should be of opinion that the act of their officer was justifiable in itself, but that the manner of doing it was in this particular respect indefensible, we make no doubt that they will acknowledge it, and offer any expiation which the law of nations requires.

We confess we look for a pacific issue to this dispute, if the question is to be decided by law and reason. But we fear that the very different agents of interest and passion are more likely to be listened to. There are large classes in this country whose personal interests would be greatly promoted by a war with the United States. Chief among these are all persons who are involved in any way with the cotton trade. The Government of the United States, in the exercise of an undoubted right possessed by every belligerent who is strong enough to enforce it, has established a blockade of the ports of the Confederate States, from whence so large a portion of the cotton imported into England is derived. The existence of that blockade is consequently a source of loss, and even distress, to many; who cannot help seeing, that in the event of a war with the United States, Great Britain would at once disown the blockade, and perhaps take forcible measures for putting an end to it. Besides, ever since the receipt of the news relative to the boarding of The Trent by The San Jacinto, the affair has been, we will not say discussed, but commented on, by the press of this country (with some honourable exceptions), in a manner calculated to promote anything but peace. Incessant arguments on the subject, full of misstatements of the law of nations, which, under ordinary circumstances, would be ludicrous, together with language of the most violent and exasperating character directed against the Government and people of the United States, form the staple of each impression. The consequence of these two causes, and perhaps others, has been, that a general war fever has taken possession of the country.

The views of our own Government on this subject we of course do not know; but if (which perhaps, however, it is scarcely fair to do) we may judge by the language held by the papers commonly supposed to be in their confidence, they are as deeply smitten with the war fever as others. On the other side of the water, the American people appear to have received the news of the boarding of The Trent by the San Jacinto with acclamation, and commented upon it with that spirit of braggadocio and rhodomontade which disfigures the national character of a people great in many respects. An honourable exception is, indeed, seen in the person of their chief. The President of the United States, in his recent Message to Congress, not only makes no mention of the affair of The Trent, but refers to the case of another British ship, The *Perthshire*, which was captured under the erroneous impression that she intended to run the blockade; and with the straightforwardness and mag-

nanimity becoming the governor of a great nation, acknowledges that the officer who captured that vessel was in the wrong, and that proper compensation ought to be made to its owners.

With these observations, we will dismiss the subject until the arrival of the answer of the Government of the United States, when we will immediately proceed to an examination of any questions of international law to which it may give rise.

### Correspondence.

#### SUCCESSION DUTY.

TO THE EDITOR OF "THE JURIST."

SIR,—I had intended to address to you some remarks with reference to the cases which have been decided on the Succession Duty Act, but your editorial strictures have anticipated the fulfilment of my purpose. I should have urged (much less forcibly than your able pen has demonstrated) the almost insurmountable difficulties attendant upon the interpretation of the spirit and letter of an act, the idea or conception and legislative expression of which are so eminently abstruse.

Permit me, Sir, only to add, with reference to the case of *In re Barker et ux.*, that Baron Bramwell might well decline to give his sanction to that decision, in view of the very elaborate judgment which he delivered as the unanimous judgment of the Court in the case of *The Attorney-General v. Floyer and Seymour*, reported in the same number. That was a case of a recovery by tenant for life (Henry Barker) and tenant in tail male (William John Bankes), creating in them a joint power of appointment which had been exercised, and under which exercise the Hon. George Bankes took a life estate. The learned Baron says, "George might indeed have had such an estate tail (i. e. wholly derived from William John) *had the joint power of appointment not been exercised*;" and in another place, "Let it be tried thus:—Suppose the recovery had been to the use of the father Henry for life, remainder to William John in fee, or to such uses as he should appoint, and then he had appointed to the uses of the deed of 1821, subsequent to the life estate of the father, would not the interest be derived from him (i. e. William John)? *Clearly*." Now, these remarks have no meaning, unless they mean that if, after the recovery which was suffered by Henry, tenant for life, and William John, tenant in tail male, to such uses as they should jointly appoint, and subject thereto to the use of Henry for life, with remainder to such uses as William John should appoint, and subject thereto to the uses of the grandfather's will (under which, after the death of William John without issue male, George took an estate tail), no appointment had been made, George would have taken an estate tail from William John only, but, as the joint power was executed, the joint appointors became the predecessors of the estate for life appointed to George.

*In re Ramsay*, reported in THE JURIST of to-day, contains, as it appears to me, judicial remarks quite inconsistent with and opposed to the decision in *Re Barker et ux.* The Master of the Rolls says, in a very lucid and forcible judgment, "If, indeed, this 10,000*l.* had been settled to such uses as Lady Ramsay, notwithstanding coverture, should by deed or will have appointed, and in default of appointment to the children of the marriage, and so on, according to the trusts therein contained, and if Lady Ramsay had ex-

*ercised that power, and the petitioners had taken as appointees from her, and not under the ultimate trusts of the settlement, then I should have been of opinion that she would have been the predecessor;*" and in another part of the same judgment the learned judge says that no distinction can be drawn between a settlement of a charge on the estate and a settlement of the estate itself.

I am, Sir, your obedient servant,  
Rolls-chambers, Chancery-lane, G. L.  
Dec. 21, 1861.

### THE TRENT.

TO THE EDITOR OF "THE JURIST."

SIR,—There are two points arising out of the capture of Messrs. Mason and Slidell which appear to me to have been slurred over in the politico-legal discussions of the newspapers.

1. Mason and Slidell, and their secretaries, were not seized as contraband, but taken as prisoners of war. Contraband means property—goods imported contrary to customs laws. Contraband of war means goods directly available for war purposes, and, therefore, liable to be seized by one belligerent if intended for the other. Carrying such goods, works, in certain cases, confiscation of the vessel carrying, and even of her other cargo. "Of the same nature with the carrying of contraband goods is the transportation of military persons, or despatches, in the service of the enemy" (Wheaton); i. e. the carrying in this case usually, as in the other case occasionally, makes the vessel good prize. But persons cannot be contraband, and consequently some of the reasoning applicable to the latter fails as regards the former. The books hardly deal with such cases as a bare capture of persons: the tenor of the discussions is on the consequences to vessels carrying such goods or persons. The proper question to raise here is, is it a violation of neutral rights to capture on board a neutral merchant vessel inchoate ambassadors or quasi ambassadors? On neutral territory no act of war may be committed; but on neutral merchant vessels we may seize, first, enemy goods; secondly, contraband of war; thirdly, enemy persons, being belligerents; and, fourthly, enemy despatches, with the exception of those from an ambassador recognised and resident in a neutral country. Can it be a grave violation of international law to seize persons notoriously engaged in the public service of a belligerent?

2. How can a prize court have jurisdiction in this case? Prisoners of war are not prize. Moreover, prize courts have for their especial functions to pass the right of property by decisions in rem. But it is not held that their decisions conclude the matter as between States. They are not tribunals of arbitration between monarchs, but domestic tribunals to inquire into the validity of capture of goods and vessels, before the sovereign assigns them as prize to her successful cruisers. In what way would the libel be drawn in the present case?

If it be said that you cannot seize persons except you seize the vessels also, England cannot stop here: it would be intolerable to have mail steamers taken into port, and detained there for weeks with the chance of ultimate condemnation. And it is strange not to permit a nation to claim belligerents, or quasi belligerents, as prisoners of war, unless they claim also the confiscation of the vessel and cargo.

If these points should seem to you worth notice, I should be glad of seeing some elucidation of what appear to me real difficulties.

I am, your constant reader,  
Dec. 16, 1861. H. J. R.

## BOOK RECEIVED.

A Pocket Digest of Stamp Duties, and a Classified Summary of Judicial Decisions thereon; General Directions on Stamped Instruments; and an Appendix of Stamp Acts, Tables of Duties, Index of Cases, &c. By T. B. Vacher. Fifth edition.—Vacher & Sons; and Simpkin, Marshall, & Co. 1862.

## PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Hilary Educational Term, by the several Readers appointed by the Inns of Court.*

## CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Reader will pursue the History of our Constitution from the Reign of James I to the year 1782. He will trace the progress and varieties of judicial opinion, as it affected the interpretation of Law—the Law of Real Property, the Law of Evidence, the Law of Libel, the Criminal Law, and the Doctrines of Equity; and he will point out the changes and growth of the Statute Law during the same period.

In his Private Classes he will continue to explain the History of our Constitution, and to point out its gradual progress during the Reigns of the Tudors and Stuarts.

The books to which he will refer are—Blackstone's Commentaries, by Kerr—Reeves's History of the English Law—Millar's History—Lord Brougham's Political Philosophy, vol. 3—Plowden's Reports—Hallam's Constitutional History—Rapin's History of the Period—Appendices to Hume's History—State Trials of the Period—Butler's Notes to Coke Littleton—Statute-book of the Period—Fortescue (Amos)—Parliamentary History—Hayes's History of Conveyancing—Clarendon's Life and History—May's History—Starkie's Law of Libel—Greenleaf on Evidence—Ralph's History and Memoirs—Coke's Institutes—Foster's Crown Law—Camden's Annals—Brodie's History—Memoirs and Letters of the Period, from Whitelock to the Bedford Correspondence and Chatham Papers—Bacon's Tracts—Belsham's History.

## EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Nine Lectures on the following subjects:—

1. On Implied and Resulting Trusts.
2. On Charitable Trusts.
3. On Relief in Equity against Penalties and Forfeitures.
4. On the Nature of Legal Mortgages.
5. On Suits for Redemption and Foreclosure.
6. On the Priority of Incumbrances on Real and Personal Estate.

The Reader will continue with his Senior and Junior Classes the general courses of Equity already commenced. He will also continue in the Senior Class, and commence in the Junior, to explain the leading rules of Pleading and Procedure in Equity.

## THE LAW OF REAL PROPERTY.

The Reader on the Law of Real Property proposes to deliver, in the ensuing Educational Term, Nine Public Lectures on the following subjects:—

1. The Law of Fines and Recoveries, and the Act 3 & 4 Will. 4, c. 74, for their Abolition.
2. The Equitable Doctrine of Election.
3. The Principles of Conversion.

In his Private Classes the Reader on the Law of Real Property will continue his course of Real Property Law, using the work of Mr. Joshua Williams as a text-book.

## JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the ensuing Educational Term, to deliver Nine Public Lectures on the following subjects:—

1. On the Fundamental Principles of International Law, and the Rules founded on them, continued.
2. On certain supposed Defects in the International System.
3. On the Province of Jurisprudence and its Subdivisions.
4. On the Roman Law of Contract.
5. On Prescriptions.

With his Private Class the Reader will proceed through the principal departments of Roman Law, beginning with the Law of Servitudes, and using as his text-book the *Institutiones Juris Romani Privati* of Warnkönig.

## COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, a course of Nine Public Lectures:—

The First Lecture will be Introductory to the Law of Contracts.

The remaining Lectures will be devoted to a consideration of the following subjects:—

1. Contracts under Seal, including—1. Bonds.
2. Indentures of Demise.
3. Charterparties.
4. Policies of Insurance.

2. Contracts not under Seal, including—1. Negotiable Instruments.
2. Guaranties.
3. Contracts with Carriers.
4. Mercantile Contracts generally.

With his Private Class the Reader will consider the above specified subjects *seriatim*, using as text-books, Selwyn's *Nisi Prius*, Smith's *Mercantile Law* and *Leading Cases*, Arnould on *Marine Insurance*, and Byles on *Bills of Exchange*.

By order of the Council,  
(Signed) WESTBURY, C., Chairman.

Council Chamber, Lincoln's Inn,  
Dec. 21, 1861.

## ALLOWANCE TO PROSECUTORS AND WITNESSES IN CRIMINAL CASES.

## WINTER ASSIZES, YORK.—Dec. 14.

[*Coram* WIGHTMAN, J.]

AFTER all the bills had been presented to the grand jury,

Sir J. V. B. Johnstone, the foreman of the jury, addressing his Lordship, said he would take the liberty of presenting a memorial from the grand jury, which was couched in similar terms to the one which had already been presented in that court on a former occasion, relative to the inadequacy of the remuneration allowed to witnesses, both at assizes and quarter sessions, which often prevented justice being done, and witnesses from coming to give evidence. It was the opinion of the grand jury that the allowance was insufficient in a great many cases, and led to a failure of justice.

The memorial was then handed to his Lordship, and the following is a copy of it:—

"The grand jury for the county of York, at the winter gaol delivery in December, 1861, desire most respectfully to call the attention of the Hon. Mr. Justice Wightman to the scale of allowances to pro-

secutors and witnesses in criminal cases at assizes and quarter sessions, as being quite insufficient adequately to remunerate those in the humbler walks of life, who are necessarily called away from their families and ordinary occupations, for their expenses and loss of time, by which last expression the grand jury understand the stats. 9 Geo. 4, c. 64, s. 22, and 14 & 15 Vict. c. 55, to mean the reasonable allowance for the loss of their wages during the time such witnesses are necessarily absent from their homes and their work. Those of the grand jury who are acting justices are not unfrequently very much embarrassed by the extreme reluctance of material witnesses to come forward to prosecute and give evidence in criminal cases of the gravest kind, as well as in all other cases likely to be sent for trial at assizes and quarter sessions. The grand jury are of opinion that justice is greatly impeded, and in many cases defeated, by the inadequate remuneration awarded under the present scale of allowances.

"J. V. B. JOHNSTONE, Foreman."

His Lordship, having informed the grand jury that their memorial should be forwarded to the proper quarter, discharged them in the usual terms.

To this the reporter of *The Times* appends the following note:—

"Another step dictated by the spirit of economy has been taken in a number of instances at these assizes. It frequently happens that, when some daring ruffian or expert thief has been apprehended, two or three charges are brought against him before the magistrates, who, in the exercise of the important public duty imposed upon them, hear the evidence in support of these accusations, and if the charges are such as they have not the power summarily to deal with, the prisoners are committed to the assizes to take their trials, and the witnesses are bound over to prosecute and give evidence in the several cases. It must be assumed that, acting on orders from the Home Office, the officers whose duty it is to tax the costs of prosecutions have taken such cases into their consideration, and have sat in judgment on the proceedings of the magistrates. It is true that the acting magistrates may have spent many hours in careful and painstaking inquiries into several charges preferred before them against a prisoner, conceiving that they are bound so to do, and to commit him for trial on those several charges; and possibly, if the grand jury, which is an assemblage of the magistrates of the county, said, when the several charges came before them, 'We think the ends of justice will be obtained if we find a bill against the prisoner in one or two cases, and ignore the rest,' there would not be much ground of complaint. The acts of the magistrates sitting in petty sessions would, at any rate, be reviewed only by their whole body sitting as grand jury. But it does seem a strong measure, that by an unseen and irresponsible agent, the labours of the magistrates at petty sessions in investigating several charges against a prisoner, which they are bound to do when preferred, should be quietly shelved to save a fraction of the expenses of the trial, the witnesses being bound over and in attendance, and the attorney's brief generally already prepared; and that one case out of several against a prisoner should be selected on which to proceed, and run the chance of obtaining a conviction. But when it is recollected that this selection of the case to send before the grand jury is not made by the judge, or by counsel employed for the purpose, of adequate experience, or by the grand jury, but by the taxing officers, it is not surprising that such an extraordinary innovation and such an anomaly should lead, in many instances, to a failure of justice. A case of attempted murder, reported above, is one

instance in point. The day before another instance occurred, where a man tried for sacrilege, one of several cases on which he was committed, and found guilty on this, the only bill preferred against him, took a legal objection, which his Lordship seemed to think valid; and it was only by his Lordship's interference, on the representation of the counsel engaged of the fact that other cases against the prisoner had not been sent before the grand jury, that another bill was ordered immediately to be preferred before they were discharged, on which the prisoner was conclusively found guilty, or this man would certainly have escaped the penalty of his offences, and the whole expense of his trial would have been thrown away. Of course, no one can find fault with economy properly exercised; but when the whole cost of the administration of justice is incurred in order to bring offenders effectually to justice, so to contrive that the worst offenders, who have committed more than one offence, often escape, would seem to ordinary minds to be, not economy, but great extravagance. It is another version of the old adage, 'for want of a ha'porth of tar the ship was lost'; a fractional additional expense in preferring a second bill would have secured beyond doubt the conviction of the criminal."

#### MIDLAND CIRCUIT, NORTHAMPTON.—Dec. 13.

[Before MARTIN, B.]

The grand jury, just before their discharge, made the following presentment:—

"The grand jury serving at this assize think it their duty to represent to your Lordship that they do not see, in the number or description of the cases that have been brought before them, any sufficient reason for putting the county to the expense and inconvenience of holding an assize at this unusual season. The grand jury are at all times ready to give their best assistance in executing the duties devolving upon them, but they are of opinion that the winter assize might have been dispensed with, without prejudice to any party; and they hope that your Lordship will forward their opinion to the proper department of her Majesty's Government."

MARTIN, B., said that a similar presentment had been made in Norfolk, and his opinion was that the assizes had been held there in consequence of the number of arsons in that and the neighbouring counties. The judges had nothing to do with deciding upon a winter assize. A communication was made by the Secretary of State to them, directing that assizes should be held, and all the judges had to do was to make arrangements for holding them. He would forward the memorial to the proper quarter; but it would be better if the matter were brought before the Secretary of State by their county members, as it might be thought that the judges wished themselves to escape the labour.

Mr. Henry Philip Roche, barrister-at-law, of Lincoln's-inn, has been appointed one of the Registrars of the Court of Bankruptcy, in the room of Mr. T. B. H. Abrahall, who has been appointed a Commissioner in Bankruptcy for the Newcastle District, in the place of the late Mr. Nathaniel Ellison.

COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen to be Commissioners to administer oaths in the High Court of Chancery in London:—Robert Galland, of No. 23, Parliament-street, Westminster; Thomas Henry Smith, of No. 1, Frederick's-place, Old Jewry; and Frederic Eustace Mawe, of No. 12, Belsize Park, Hampstead.

## COMMISSIONS APPOINTED.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal for appointing the Right Hon. Sir John Romilly, Knt., Master of the Rolls; the Right Hon. Francis Blackburne, Lord Justice of the Court of Appeal in Chancery in Ireland; the Right Hon. James Henry Monahan, Chief Justice of the Court of Common Pleas in Ireland; the Right Hon. Abraham Brewster; the Right Hon. Joseph Napier; Sir William Page Wood, Knt., a Vice-Chancellor; Sir James Shaw Willes, Knt., one of the Justices of the Court of Common Pleas in England; Henry George Hughes, Esq., one of the Barons of the Court of Exchequer in Ireland; Sir William Atherton, Knt., her Majesty's Attorney-General; the Right Hon. Thomas O'Hagan, her Majesty's Attorney-General for Ireland; Sir Roundell Palmer, Knt., her Majesty's Solicitor-General; James Anthony Lawson, Esq., her Majesty's Solicitor-General for Ireland; Sir Hugh M'Calmont Cairns, Knt.; George Markham Giffard, Esq., one of her Majesty's Counsel; Robert Bayley Follett, Esq.; and Richard John Theodore Orpen, Esq.; to be her Majesty's Commissioners to inquire into the following matters, with a view to reduce costs to suitors and the expenditure of the public money, and to assimilate, so far as may be practicable, the administration of justice in England and Ireland:—First, the constitution, establishment, practice, procedure, and fees of the superior courts of common law in Ireland; and, secondly, the differences between the constitution and the forms of practice, procedure, and fees of the courts of Chancery of England and of Ireland.

The Queen has been pleased to appoint the Right Hon. Sir John Romilly, Knt., Master of the Rolls; the Right Hon. Sir William Erle, Knt., Chief Justice of the Court of Common Pleas; the Right Hon. Sir Edward Ryan, Knt.; the Right Hon. Robert Lowe, Vice-President of the Committee of Council on Education; Sir James Shaw Willes, Knt., one of the Justices of the Court of Common Pleas; and John Macpherson Macleod, Esq., to be her Majesty's Commissioners for preparing a body of substantive law for India, and for considering and reporting on such other matters in relation to the reform of the laws of India as may be referred to the said Commissioners by her Majesty's Secretary of State for India.

## Court Papers.

## SITTINGS IN HILARY TERM, 1862.

## Court of Chancery.

## Before the LORD CHANCELLOR.

## At Lincoln's Inn.

Saturday .. Jan. 11	{ Appeal Motions, Petitions, and Appeals.
Monday..... 13	{ Appeals.
Tuesday..... 14	
Wednesday .... 15	
Thursday ..... 16	{ Appeal Motions and Appeals.
Friday ..... 17	{ Appeals.
Saturday ..... 18	
Monday..... 20	
Tuesday ..... 21	{ Appeal Motions and Appeals.
Wednesday .... 22	
Thursday ..... 23	
Friday ..... 24	{ Appeals.
Saturday ..... 25	
Monday..... 27	
Tuesday..... 28	{ Appeals.
Wednesday .... 29	

Thursday .....	30	Petitions and Appeals.
Friday .....	31	Appeal Motions and Appeals.

*Notice.*—The days (if any) on which the Lord Chancellor shall be engaged in the House of Lords are excepted.

## Before the LORDS JUSTICES.

## At Lincoln's Inn.

Saturday .. Jan. 11	{ Appeal Motions and Appeals.
Monday..... 13	{ Appeals.
Tuesday..... 14	
Wednesday .... 15	
Thursday ..... 16	{ Appeal Motions and Appeals.
Friday ..... 17	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday ..... 18	{ Appeals.
Monday..... 20	
Tuesday..... 21	{ Appeals from the County Palatine of Lancaster and Appeals.
Wednesday .... 22	{ Appeals.
Thursday ..... 23	{ Appeal Motions and Appeals.
Friday ..... 24	{ Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday ..... 25	{ Appeals.
Monday..... 27	
Tuesday..... 28	
Wednesday .... 29	{ Appeals.
Thursday ..... 30	
Friday ..... 31	{ Petitions in Lunacy, Appeal Motions, and Appeals.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

## Before the MASTER OF THE ROLLS.

## At Chancery-lane.

Saturday .. Jan. 11	{ Motions and General Paper.
Monday..... 13	{ General Paper.
Tuesday..... 14	
Wednesday .... 15	
Thursday ..... 16	{ Motions and General Paper.
Friday ..... 17	{ General Paper.
Saturday ..... 18	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday..... 20	{ General Paper.
Tuesday..... 21	
Wednesday .... 22	
Thursday ..... 23	{ Motions and General Paper.
Friday ..... 24	{ General Paper.
Saturday ..... 25	{ Petitions, Short Causes, Adjourned Summonses, and General Paper.
Monday..... 27	{ General Paper.
Tuesday..... 28	
Wednesday .... 29	
Thursday ..... 30	{ Motions and General Paper.
Friday ..... 31	

N. B.—Unopposed Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

## Before the Vice-Chancellor Sir RICHARD T. KINDERSLEY.

## At Lincoln's Inn.

Saturday .. Jan. 11	{ Motions and General Paper.
Monday..... 13	{ General Paper.
Tuesday..... 14	
Wednesday .... 15	
Thursday ..... 16	{ Motions and General Paper.
Friday ..... 17	{ Petitions and General Paper.
Saturday ..... 18	{ Short Causes, Adjourned Summonses, and General Paper.

Monday.....	20	} General Paper.
Tuesday.....	21	
Wednesday....	22	
Thursday.....	23	} Motions and General Paper.
Friday.....	24	
Saturday.....	25	
Monday.....	27	} General Paper.
Tuesday.....	28	
Wednesday....	29	
Thursday.....	30	
Friday.....	31	} Motions and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir JOHN STUART.*

*At Lincoln's Inn.*

Saturday .. Jan. 11	Motions and General Paper.
Monday..... 13	} General Paper.
Tuesday..... 14	
Wednesday.... 15	
Thursday..... 16	Motions and General Paper.
Friday..... 17	Petitions and General Paper.
Saturday..... 18	Short Causes and General Paper.
Monday..... 20	} General Paper.
Tuesday..... 21	
Wednesday.... 22	
Thursday..... 23	Motions and General Paper.
Friday..... 24	Petitions and General Paper.
Saturday..... 25	Short Causes and General Paper.
Monday..... 27	} General Paper.
Tuesday..... 28	
Wednesday.... 29	
Thursday..... 30	
Friday..... 31	Motions.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

*Before the Vice-Chancellor Sir W. P. WOOD.*

*At Lincoln's Inn.*

Saturday .. Jan. 11	Motions and General Paper.
Monday..... 13	} General Paper.
Tuesday..... 14	
Wednesday.... 15	
Thursday..... 16	Motions and General Paper.
Friday..... 17	General Paper.
Saturday..... 18	Petitions, Short Causes, and General Paper.
Monday..... 20	} General Paper.
Tuesday..... 21	
Wednesday.... 22	
Thursday..... 23	Motions and General Paper.
Friday..... 24	General Paper.
Saturday..... 25	Petitions, Short Causes, and General Paper.
Monday..... 27	} General Paper.
Tuesday..... 28	
Wednesday.... 29	
Thursday..... 30	
Friday..... 31	Motions and General Paper.

N. B.—Any Causes intended to be heard as Short Causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

The Queen has been pleased to appoint William Mathewson Hindmarch, Esq., barrister-at-law, to be her Majesty's Attorney-General of the county palatine of Durham, vacant by the resignation of Robert Ingham, Esq.

GEORGE BRITCHER and ELIZABETH LUCKING, Hatfield-place, Westminster-road, Surrey, greengrocers, Jan. 9 at 10, London: Off. Ass. Edwards; Sol. Wall, 5, New-inn, Strand.—Pet. f. Dec. 18.

WILLIAM GRANVILLE BOYES, Great Titchfield-street, Marylebone, Middlesex, dry cooper, Jan. 9 at 10, London: Off. Ass. Edwards; Sol. Lewis, 2, Raymond-buildings, Gray's-inn.—Pet. f. Dec. 14.

GEORGE FISK, Great Yarmouth, Norfolk, fish merchant, Jan. 10 at 10, London: Off. Ass. Edwards; Sols. Chamberlain, Great Yarmouth, Norfolk; Storey, 6, King's-road, Bedford-row, London.—Pet. f. Dec. 18.

JOHN DENNIS, Beall-place, Hornsey-road, Hornsey, Middlesex, general-shop keeper, Jan. 10 at 10, London: Off. Ass. Edwards; Sol. Cooper, 9, Charing-cross.—Pet. f. Dec. 17.

JOHN WILLIAM JEWELL, Ampton-street, Gray's-inn-road, Middlesex, clerk to a builder, Jan. 10 at 1, London: Off. Ass. Edwards; Sol. Tomlins, 9, Lincoln's-inn-fields.—Pet. f. Dec. 17.

ALBAN HIBBERD, Tibbury, Wiltshire, innkeeper, Jan. 10 at 11, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.—Pet. f. Dec. 20.

FRANCIS BINT, Meriden, Warwickshire, maltster, Jan. 6 at 12, Birmingham: Off. Ass. Whitmore; Sols. James & Knight, Birmingham.—Pet. f. Dec. 16.

WILLIAM PELL, Slawston, Leicestershire, farmer, Jan. 10 at 12, Birmingham: Off. Ass. Whitmore; Sol. Haxby, Leicester.—Pet. f. Dec. 13.

JOHN JAMES HICKLING, Nottingham, lace finisher (carrying on business under the name of John Hickling), Jan. 7 at 11, Nottingham: Off. Ass. Harris; Sols. Cowley & Everall, Nottingham.—Pet. f. Dec. 7.

EDWIN AUST and ELI TINSON, Corsham, Wiltshire, masons, Jan. 6 at 12, Bristol: Off. Ass. Acraman; Sol. Bridges, Bristol.—Pet. f. Dec. 18.

SAMUEL SHIPP, Bilton, Gloucestershire, mason, Jan. 6 at 11, Bristol: Off. Ass. Miller; Sols. Bevan, Bristol.—Pet. f. Dec. 16.

RICHARD POWNING, St. Day, Cornwall, grocer, Jan. 2 at 12, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Pet. f. Dec. 6.

ROBERT NURCOMBE, Wiveliscombe, Somersetshire, shoemaker, Dec. 30 at 12, Exeter: Off. Ass. Hirtzel; Sol. Floud, Exeter.—Pet. f. Dec. 18.

JAMES WILLIS GILBERT, St. Day, Cornwall, Jan. 6 at 12, Exeter: Off. Ass. Hirtzel.

JOHN CRABB, Staple Fitzpaine, Somersetshire, farmer, Jan. 6 at 12, Exeter: Off. Ass. Hirtzel.

RICHARD HUGO, Camborne, Cornwall, Jan. 6 at 12, Exeter: Off. Ass. Hirtzel.

JAMES NEWALL, Crewe, near Nantwich, Cheshire, licensed victualler, Dec. 31 at half-past 1, Liverpool: Off. Ass. Morgan.

DAVID LEON BENSUSAN, St. Helens, Lancashire, iron-monger, Dec. 30 at 11, Liverpool: Off. Ass. Morgan; Sols. Fletcher & Hull, Liverpool.—Pet. f. Dec. 17.

JOHN BAILEY, Spennymoor, Durham, grocer, Jan. 3 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Brignall, Durham.—Pet. f. Dec. 14.

JOHN HUDSON, Bishopwearmouth, Sunderland, Durham, coal merchant (trading under the firm of John Hudson & Co.), Jan. 3 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Pet. f. Dec. 17.

WILLIAM GREAVES, Birmingham, gun implement maker, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Dec. 17.

JAMES ROGERS, Bristol, accountant, Jan. 9 at 1, Bristol: Off. Ass. Harley & Gibbs; Sol. Ayre, jun.—Pet. f. Dec. 16.

FREDERICK BERNE, Liverpool, butcher, Jan. 7 at 3, Liverpool: Off. Ass. Hime; Sol. Henry, Liverpool.—Pet. f. Dec. 18.

SAMUEL SMITH, Dudley, Worcestershire (a prisoner in Worcester Gaol), Dec. 31 at 11, Dudley: Off. Ass. Walker.

JOHN SOWER, Deepfields, Staffordshire, blank tray maker, Dec. 31 at 11, Dudley: Off. Ass. Walker; Sol. Walker.—Pet. f. Dec. 14.

GEORGE BOUSKILL, Liverpool, builder (carrying on business with William Wallace, under the style or firm of Bouskill & Wallace), Jan. 6 at 3, Liverpool: Off. Ass. Hime; Sol. Etty, Liverpool.—Pet. f. Dec. 17.

MARIA BROOKS, Ardwick, Manchester, coffee-house keeper, Jan. 21 at 12, Manchester: Off. Ass. Kay; Sol. Boote, Manchester.—Pet. f. Dec. 13.

JOSEPH CARVER, Coventry, watchmaker, Jan. 7 at 12, Coventry: Off. Ass. Troughton; Sols. Minster & Son, Coventry.—Pet. f. Dec. 16.

PETER MAKIN, Rumworth, Deane, Lancashire, farmer, Jan. 6 at 10, Bolton: Off. Ass. Holden; Sol. Edge.—Pet. f. Dec. 17.

THOMAS DODD, Ettingshall New Village, Staffordshire, chartermaster, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Walker, Wolverhampton.

JOSEPH DICKIN, Bilstone, Staffordshire, carter, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Ward, Wolverhampton.

JOHN PEATON BOWEN, Tattenhall, Staffordshire, grocer, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Bartlett, Wolverhampton.

GEORGE TOMLISON, Wolverhampton, Staffordshire, licensed victualler, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Underhill, Wolverhampton.

HARVEY BAXTER, Wolverhampton, Staffordshire, dyer, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Hayes, Wolverhampton.

ANN FORD, Wolverhampton, Staffordshire, licensed victualler, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Walker, Wolverhampton.

GEORGE TARBUCK, Wolverhampton, Staffordshire, cabinet lock maker, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Whitehouse, Wolverhampton.

THOMAS HENRY WHEELER, Wolverhampton, Staffordshire, grocer's assistant, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Barnett, Walsall.

WILLIAM EVANS, Gladestry, Radnorshire, carpenter, Jan. 3 at 11, Kingston: Off. Ass. Temple; Sol. Stephens, Presteigne.—Pet. f. Dec. 18.

JAMES HOLE, Broadwoodwider, Devonshire, labourer, Dec. 31 at 10, Launceston: Off. Ass. White.—Pet. f. Dec. 10.

SAMUEL STEPNEY, Brighton, Sussex, carver, Dec. 31 at 10, Brighton: Off. Ass. Evershed; Sol. Goodman, Brighton.—Pet. f. Dec. 17.

SAMUEL MOORE, Middleton, Suffolk, labourer, Jan. 6 at 11, Halesworth: Off. Ass. Beas; Sol. Moseley, Framlingham.—Pet. f. Dec. 18.

GEORGE MOORE, Holderness, Yorkshire, tailor, Jan. 1 at 12, Hedon: Off. Ass. Ivesson; Sol. Walker, Kingston-upon-Hull.—Pet. f. Dec. 16.

ROBERT DENMAN, Cannock, Staffordshire, beer-house keeper, Dec. 31 at 10, Walsall: Off. Ass. Clarke; Sol. Crabb, Rugeley.

EDWARD DIXON, Hexham, Northumberland, gunsmith, Jan. 13 at 11, Hexham: Off. Ass. Stoker; Sol. Taylor, Hexham.—Pet. f. Dec. 14.

CHARLES KYTE, Portwood, Hampshire, saddler, Jan. 13 at 12, Southampton: Off. Ass. Thorndike; Sol. Mackey, Southampton.—Pet. f. Dec. 16.

GEORGE BARKER, Swansea, Glamorganhire, retailer of beer, Jan. 9 at 12, Swansea: Off. Ass. Morris; Sol. Tripp, Swansea.—Pet. f. Dec. 16.

EDWARD LLOYD, Blackwood, Bedwellty, Monmouthshire, collier, Dec. 30 at 11, Tredegar: Off. Ass. Shepard; Sol. Harris.—Pet. f. Dec. 10.

LINUS HANCOCK, Warley, Halifax, Yorkshire, policeman, Jan. 1 at 12, Halifax: Off. Ass. Dyson & Rankin; Sols. Ingram & Baines, Halifax.—Pet. f. Dec. 17.

HENRY BRADSHAW CLARK, Tuxford, Nottinghamshire, labourer, Jan. 1 at 11, East Retford: Off. Ass. Newton; Sol. Esam, East Retford.—Pet. f. Dec. 17.

CHARLES SCRIMSHIRE, Welford, Northamptonshire, shoemaker, Jan. 3 at 12, Lutterworth: Off. Ass. Gates; Sols. Edwards & Leake, Long Buckby, Northamptonshire.—Pet. f. Dec. 18.

JOHN INGRAM LOCKHART, Slough, Upton-cum-Chalvey, Buckinghamshire, homoeopathist, Dec. 29 at 11, Windsor: Off. Ass. Darvill; Sol. Spicer, Great Marlow.—Pet. f. Dec. 9.

JOHN NAYLOR, Warmfield, near Wakefield, Yorkshire, innkeeper, Jan. 2 at 11, Wakefield: Off. Ass. Mason; Sol. Harle, Leeds.—Pet. f. Dec. 17.

JOSEPH WBLLS, Worcesterhire, fishmonger, Jan. 3 at 11, Worcester: Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. Dec. 11.

CHARLES BRADSHAW, Ladbroke, near Southam, Warwickshire, innkeeper, Jan. 6 at 11, Southam: Off. Ass. Poole; Sol. Griffin, Leamington Priory.—Pet. f. Dec. 2.

DANIEL FOLKES the younger, Great Yarmouth, Norfolk, cordwainer, Jan. 3 at 12, Great Yarmouth: Off. Ass. Palmer; Sol. Cufaude, Great Yarmouth.—Pet. f. Dec. 17.

REES MORGAN, Talgarth, Brecknockshire, farmer (a prisoner in Brecon Gaol), Jan. 3 at 12, Hay: Off. Ass. James; Sol. Bishop, Brecon.

ELIZABETH NEWBY, Llyswen, Brecknockshire, beer-house keeper (a prisoner in Brecon Gaol), Jan. 3 at 12, Brecon: Off. Ass. James.

JOHN HAPSEY SLADE, East Stonehouse, Devonshire, painter, Jan. 3 at 11, East Stonehouse: Off. Ass. Pearce; Sols. Beer & Rundle, Devonport.—Pet. f. Dec. 18.

THOMAS WARHURST, Hadfield, Derbyshire, grocer, Dec. 31 at 3, Glossop: Off. Ass. Hibbert; Sol. Brooks, Ashton-under-Lyne.—Pet. f. Dec. 17.

PETER BREWIS, Gateshead, Durham, out of business, Jan. 9 at 11, Gateshead: Off. Ass. Ingledew; Sol. Hoyle, Newcastle-upon-Tyne.—Pet. f. Dec. 16.

WILLIAM GODDINGTON, West Bromwich, Staffordshire, dealer in breezes, Dec. 31 at 11, West Bromwich: Off. Ass. Watson & Watson; Sols. Hooper & North, West Bromwich.—Pet. f. Dec. 16.

JOHN POWELL, Hales Owen, Worcestershire, grocer, Dec. 31 at 11, West Bromwich: Off. Ass. Watson & Watson; Sol. Maltby, Dudley.—Pet. f. Dec. 14.

HENRY HOWELL, West Bromwich, Staffordshire, retailer of beer, Dec. 31 at 11, West Bromwich: Off. Ass. Watson & Watson; Sols. Hooper & North, West Bromwich.

WILLIAM WALL, Brading, Isle of Wight, licensed victualler, Jan. 1 at 11, Newport: Off. Ass. Blake; Sol. Joyce, Newport.—Pet. f. Dec. 17.

JOSEPH SIMPSON, Groton, Suffolk, cattle dealer, Dec. 31 at half-past 10, Hadleigh: Off. Ass. Newman; Sol. Brooks, Bury St. Edmunds.—Pet. f. Dec. 16.

BENJAMIN BUCKLE, Cheltenham, Gloucestershire, out of business, Jan. 2 at 11, Gloucester: Off. Ass. Wilton; Sol. Wilkes.

HENRY SERJEANT, Messing, Essex, plumber, Jan. 4 at 12, Colchester: Off. Ass. Barnes; Sol. Jones, Colchester.—Pet. f. Dec. 10.

WILLIAM HAZZARD RIGBEY, Stratford-upon-Avon, Warwickshire, railway clerk, Jan. 4 at 11, Stratford-upon-Avon: Off. Ass. Hobbes; Sol. Graves, Stratford-upon-Avon.—Pet. f. Dec. 19.

## MEETINGS.

*William Stubington*, Winchester, Hampshire, carpenter, Jan. 21 at 1, London, last ex.—*Walter John Brooks*, Aldergate-street, City, baker, Jan. 21 at half-past 12, London, last ex.—*George Lingham*, Bowling-green-street, Kennington, Jan. 21 at 12, London, last ex.—*William Howe Smith* and *Miles Brown Smith*, King-street, Cheapside, City, general merchants, Jan. 11 at 11, London, last ex.—*Henri Henri-net*, Oakley-square, Regent's-park, Middlesex, Jan. 14 at 1, London, last ex.—*Charles Wills*, Winchester, Hampshire, engineer, Jan. 21 at half-past 1, London, last ex.—*William Henry Ablett*, Lee, Kent, and Laurence-lane, City, commission agent, Jan. 9 at half-past 11, London, last ex.—*Thomas Lampton*, Norwood New Town, Surrey, lime merchant, Jan. 21 at half-past 1, London, last ex.—*James Thomas Owen*, Dulwich, Surrey, carman, Jan. 16 at 1, London, last ex.—*G. William Lock*, Liverpool-street, King's-cross, Middlesex, surgeon, Jan. 21 at 12, London, last ex.—*Wm. Shore*, Strand, Middlesex, clerk in the Sun newspaper office, Jan. 16 at half-past 1, London, last ex.—*Dunbar John Cother*, Sloane-st., Chelsea, out of business, Jan. 16 at half-past 11, London, last ex.—*Raffaello Pinti*, Onalow-terrace, Lorrimer-road, Waltham, Surrey, artist, Jan. 15 at 3, London, last ex.—*William Wright*, Titchhurst, Sussex, grocer, Jan. 16 at half-past 2, London, last ex.—*Emily Schmidt*, Somerset-terrace, St. George's-road, Pimlico, Middlesex, lodging-house keeper, Jan. 15 at half-past 1, London, last ex.—*William Hill*,



Stones-street, Commercial-road East, Stepney, Middlesex, provision dealer, Jan. 17 at half-past 2, London, last ex.—*William Moss*, Chancery-lane, Holborn, Middlesex, shoemaker, Jan. 17 at 12, London, last ex.—*John Squire*, Harkstead, near Ipswich, Suffolk, farmer, Jan. 17 at 3, London, last ex.—*James Longhurst*, Croydon, Surrey, out of business, Jan. 17 at 1, London, last ex.—*William George Howard*, Wellington-road, St. John's-wood, Middlesex, gentleman, Jan. 15 at half-past 11, London, last ex.—*George Joseph Lyons*, Woodlands, Great Missenden, Buckinghamshire, out of business, Jan. 17 at half-past 12, London, last ex.—*Charles Birch Crip*, Pockington-street, Islington, Middlesex, clerk to an attorney, Jan. 17 at 11, London, last ex.—*William Newman*, Dyer's-buildings, Holborn, attorney-at-law, Jan. 15 at 11, London, last ex.—*Thos. Tighe Flynn*, Washington-street, Bow-common-lane, Mile-end, Middlesex, ruler of ballast heavers, Jan. 17 at 2, London, last ex.—*John Rogers*, Alpha-road, St. John's-wood, Middlesex, Jan. 17 at half-past 11, London, last ex.—*Robert Eden Hope*, Mark-lane, City, oil merchant, Jan. 15 at 12, London, last ex.—*Francis Gittins Francis*, Great Ormond-street, Bloomsbury, Middlesex, commission agent, Jan. 15 at 2, London, last ex.—*Thomas Fisher*, West Ham, Essex, builder, Jan. 15 at 1, London, last ex.—*William Parsons Arnold*, Warne-street, Dover-road, Surrey, Jan. 15 at half-past 12, London, last ex.—*William Coates Bellard*, Earle-street, Edgware-road, Middlesex, Jan. 17 at half-past 1, London, last ex.—*John Lea*, Forest-gate, Essex, Jan. 6 at 2, London, last ex.—*Bartholomew Henry Higgins*, Glebe-terrace, Blue-Anchor-road, Bermondsey, Surrey, master mariner, Jan. 21 at half-past 2, London, last ex.—*Sarah Fastnedge*, High Wycombe, Buckinghamshire, milliner, Jan. 21 at 3, London, last ex.—*George Hinsley*, Hamilton-road, Lower Norwood, Surrey, builder, Jan. 21 at 3, London, last ex.—*Francis Beckingham*, Ashford, Kent, cattle dealer, Jan. 21 at 1, London, last ex.—*John Newman*, Vere-street, Clare-market, Middlesex, licensed victualler, Jan. 21 at half-past 11, London, last ex.—*Joseph George Eardensohn*, Mincing-lane, City, wine merchant, Jan. 21 at 11, London, last ex.—*Freeman Parson*, Boxford, Suffolk, farming bailiff, Jan. 21 at 1, London, last ex.—*George Austen*, Ramsgate, Kent, grocer, Jan. 17 at 8, London, last ex.—*John Smith* the younger, Commercial-place, Lewisham-road, Greenwich, Kent, fruiterer, Jan. 17 at half-past 1, London, last ex.—*John Read*, Cumberland-row, Islington-green, Middlesex, glass dealer, Jan. 21 at 11, London, last ex.—*Thomas Provis Wickham*, Upper Montagu-street, Montagu-square, Middlesex, gentleman, Jan. 21 at half-past 12, London, last ex.—*John Wright*, Enfield-road North, Kingsland, Middlesex, rent collector, Jan. 21 at 12, London, last ex.—*Jonas Tebbutt*, Portisdown-road, Maidenhill West, Middlesex, Jan. 21 at half-past 1, London, last ex.—*Charles Elstone*, Winchester, Hampshire, draper, Jan. 21 at 2, London, last ex.—*Thomas Hinson Ree*, New Henry-street, Cotton's Estate, Limehouse, Middlesex, coal weigher, Jan. 31 at 12, London, last ex.—*James Davis*, Peterborough, Northamptonshire, licensed victualler, Jan. 31 at 11, London, last ex.—*Michael Goulden*, Elder-street, Norton Folgate, Middlesex, silk manufacturer, Jan. 22 at 12, London, last ex.—*Henry James Brown*, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, cheesemonger, Jan. 31 at 3, London, last ex.—*Frederick Breintinger*, Lucas-place, Commercial-road East, and New-road, King David Ford, St. George's-in-the-East, Middlesex, baker, Jan. 31 at 3, London, last ex.—*George Evans Upton*, Clarence-terrace, Islington, Middlesex, out of business, Jan. 31 at 11, London, last ex.—*Thomas Greenwood*, Goswell-road, London, bootmaker, Jan. 31 at 2, London, last ex.—*James Tribe*, Cannon-street West, City, wholesale fancy stationer, Jan. 31 at 3, London, last ex.—*Mark Tarbuck*, Cambridge-road, Mile-end-gate, Bethnal-green, fishmonger, Jan. 31 at 1, London, last ex.—*James Winterborn*, Marlborough-mews, Oxford-street, Middlesex, carpenter, Jan. 31 at 11, London, last ex.—*John Porter*, Lincoln's-inn-fields, Middlesex, solicitor, Jan. 31 at 12, London, last ex.—*John Willitt Williams*, Willow-walk, Bermondsey, Surrey, out of business, Jan. 31 at 2, London, last ex.—*David Heard*, Barking, Essex, carpenter, Jan. 28 at 12, London, last ex.—*Richard Campron* and *Edmund Henry Jones*, Wolverhampton, Staffordshire, chemists, Jan. 27 at 11, Birmingham, last ex.—*William Ward*, Birmingham, cab proprietor, Jan. 20 at 11, Birmingham, last ex.—*William Trevor*, Birmingham, baker, Jan. 20 at 11, Birmingham,

last ex.—*Jacob Stanley Lister*, Bilston, Staffordshire, timber merchant, Jan. 27 at 11, Birmingham, last ex.—*Edmund Greenhouse*, Kingsland, Herefordshire, maltster, Jan. 16 at 11, Birmingham, last ex.—*Frederick Bradley*, Tipton, Staffordshire, surgeon, Jan. 16 at 11, Birmingham, last ex.—*William Smith* the younger, Longton, Staffordshire, grocer, Jan. 20 at 11, Birmingham, last ex.—*James Poole*, Birmingham, brassfounder, Jan. 16 at 11, Birmingham, last ex.—*John Bannister*, Liverpool, Jan. 21 at half-past 11, Nottingham, last ex.—*Thomas Leake*, Nottingham, upholsterer, Jan. 21 at half-past 11, Nottingham, last ex.—*Charles Calvert Mansergh Nicholson*, Nottingham, land agent, Jan. 21 at half-past 11, Nottingham, last ex.—*Charles Faulkner*, Mickleton, Gloucestershire, licensed victualler, Jan. 28 at 12, Bristol, last ex.—*John Josiah Garraway*, Bathaston, Somersetshire, baker, Jan. 21 at 12, Bristol, last ex.—*Thomas Roberts*, Bryngwran, near Holyhead, Anglesey, surgeon, Jan. 8 at 11, Liverpool, last ex.—*Thomas Corkhill*, Liverpool, cabinet maker, Jan. 20 at 11, Liverpool, last ex.—*John Richard Tremlett* and *Edward Hill*, Salford, Lancashire, stonemasons, Jan. 17 at 11, Manchester, last ex.—*Charles Henry Smith*, Barton-upon-Irwell, near Manchester, commission agent, Jan. 15 at 12, Manchester, last ex.—*Henry Dobson*, Bolton, Lancashire, out of business, Jan. 7 at 12, Manchester, last ex.—*Thomas Wilson*, Newcastle-upon-Tyne, builder, Jan. 15 at 12, Newcastle-upon-Tyne, last ex.—*Benjamin Webster*, Hurworth-upon-Tees, Durham, grocer, Jan. 9 at half-past 11, Newcastle-upon-Tyne, last ex.—*John Walter Gray*, Sunderland, Durham, hatter, Jan. 9 at 11, Newcastle-upon-Tyne, last ex.—*Alexander Bertram*, Newcastle-upon-Tyne, cheese factor, Jan. 7 at half-past 11, Newcastle-upon-Tyne, last ex.—*William Stewart*, Darlington, Durham, pipe manufacturer, Jan. 10 at half-past 1, Newcastle-upon-Tyne, last ex.—*Edmond Ord*, Crook, Durham, draper, Jan. 10 at half-past 12, Newcastle-upon-Tyne, last ex.—*Thomas Ord*, Sunderland, Durham, veterinary surgeon, Jan. 10 at half-past 11, Newcastle-upon-Tyne, last ex.—*Matthew Knott*, North Shields, Northumberland, shipowner, Jan. 14 at half-past 12, Newcastle-upon-Tyne, last ex.—*John Knott*, Howdon, Northumberland, butcher, Jan. 14 at 1, Newcastle-upon-Tyne, last ex.—*George Pinkney*, Pithill, Durham, publican, Jan. 10 at 1, Newcastle-upon-Tyne, last ex.—*William Davison*, Wigton, Cumberland, tanner, Jan. 1 at 11, Wigton, last ex.—*Benjamin Busell*, Neath, Glamorganshire, commercial traveller, Jan. 22 at 10, Neath, last ex.—*Thomas Walters*, Llangulke, Glamorganshire, grocer, Jan. 22 at 10, Neath, last ex.—*John Phillips*, Llangulke, Glamorganshire, haulier, Jan. 22 at 10, Neath, last ex.—*Thomas Crew*, Ecclesfield, Yorkshire, rope manufacturer, Feb. 6 at 12, Sheffield, last ex.—*Thomas John Creswick*, Ranmoor, Sheffield, Yorkshire, electro-plate manufacturer, Feb. 6 at 12, Sheffield, last ex.—*Andrew Smith*, Sheffield, Yorkshire, joiner, Feb. 6 at 12, Sheffield, last ex.—*Benjamin Hagus*, Sheffield, Yorkshire, anvil maker, Feb. 6 at 12, Sheffield, last ex.—*James Rudd*, Sheffield, Yorkshire, beer-house keeper, Feb. 6 at 12, Sheffield, last ex.—*James Worrall*, Congleton, Cheshire, joiner, Dec. 31 at 10, Congleton, last ex.—*John Whisker*, Great Driffield, Yorkshire, shoemaker, Jan. 20 at 11, Great Driffield, last ex.—*John Prosser*, Cheltenham, Gloucestershire, gardener, Jan. 17 at 10, Cheltenham, last ex.—*Wm. Bleakley*, Ardwick, Manchester, beer-house keeper, Jan. 17 at 12, Manchester, last ex.—*Wm. Hutchinson*, Manchester, joiner, Jan. 17 at 12, Manchester, last ex.—*John Parry*, Ardwick, Manchester, tailor, Jan. 17 at 12, Manchester, last ex.—*William Palmer*, Ardwick, Manchester, salesman, Jan. 3 at 12, Manchester, last ex.—*Edmund Watkins*, Manchester, tripe dresser, Jan. 17 at 12, Manchester, last ex.—*Stephen Plevie*, Levenshulme, near Manchester, warehouseman, Jan. 17 at 12, Manchester, last ex.—*Owen Roberts*, Liverpool, cowkeeper, Jan. 10 at 10, Lancaster, last ex.—*W. Lumley*, Oldham, Lancashire, mechanic, Jan. 10 at 10, Lancaster, last ex.—*John Duerden*, Blackburn, Lancashire, fish curer, Jan. 10 at 10, Lancaster, last ex.—*Thomas Etherington*, Kirkdale, near Liverpool, servant to a team owner, Jan. 10 at 10, Lancaster, last ex.—*James Taylor*, Sutton, near St. Helens, Lancashire, labourer, Jan. 10 at 10, Lancaster, last ex.—*William F. Marshall*, Shipley, Yorkshire, reed maker, Jan. 10 at 10, Lancaster, last ex.—*Thomas Dobson*, Blackburn, Lancashire, plasterer, Jan. 10 at 10, Lancaster, last ex.—*Herbert Taylor*, Greenheys, Manchester, out of business, Jan. 10 at 10, Lancaster, last ex.—

*Richard Holden*, Preston, Lancashire, tinner, Jan. 10 at 10, Lancaster, last ex.—*Isaac S. Parkins*, Blackburn, Lancashire, commission agent, Jan. 13 at 10, Blackburn, last ex.—*William Palmer*, Welford, Northamptonshire, shoemaker, Jan. 10 at half-past 11, Lutterworth, last ex.—*Edward J. Mashell*, Great Marlow, Buckinghamshire, ginger-beer manufacturer, Jan. 8 at 11, High Wycombe, last ex.—*Robert Vince*, Kersey, Suffolk, cattle dealer, Jan. 24 at 12, Hadleigh, last ex.—*John Neale*, Nettlestead, Suffolk, farm bailiff, Jan. 24 at 12, Hadleigh, last ex.—*James Robinson*, Hatfield, Broad Oak, Essex, butcher, Jan. 8 at 12, Dunmow, last ex.—*John Prime*, West Bromwich, Staffordshire, boat steerer, Jan. 8 at 10, Oldbury, last ex.—*Josiah Wheatley*, Bedlington, Northumberland, mariner, Jan. 18 at 11, Morpeth, last ex.—*John Chaplin*, Wolston, Warwickshire, labourer, Jan. 23 at 11, Rugby, last ex.—*James Hooper*, Dulverton, Somersetshire, cattle dealer, Jan. 16 at 11, Tiverton, last ex.—*Peter Thornhill*, Stone, Staffordshire, dealer in coals, Jan. 8 at half-past 10, Stone, last ex.—*Edward Heales*, Stoke Damerel, Devonport, Devonshire, shipwright, Jan. 8 at 10, East Stonehouse, last ex.—*Charles Marshall*, Plymouth, Devonshire, bookseller, Jan. 8 at 10, East Stonehouse, last ex.—*James Saunders*, East Stonehouse, Devonshire, builder, Jan. 8 at 10, East Stonehouse, last ex.—*Stephen Hoskin*, Plymouth, Devonshire, shoemaker, Jan. 8 at 10, East Stonehouse, last ex.—*Sigmund Yager*, Plymouth, Devonshire, general dealer, Jan. 8 at 10, East Stonehouse, last ex.—*James Lawton*, Morley, Yorkshire, cloth maker, Jan. 17 at 11, Dewsbury, last ex.—*Titus Briggs*, Morley, Yorkshire, cloth manufacturer, Jan. 17 at 11, Dewsbury, last ex.—*Thomas Terry*, [Mirfield, Yorkshire, out of business, Jan. 17 at 11, Dewsbury, last ex.—*James Perrin*, Bowdon, Cheshire, grocer, Jan. 24 at 11, Altrincham, last ex.—*James Mason*, Wilmslow, Cheshire, tailor, Jan. 24 at 11, Altrincham, last ex.—*John T. Edge*, Totton, Eling, Hampshire, cattle dealer, Jan. 28 at 12, Southampton, last ex.—*Joseph Wile*, Stafford, gunsmith, Jan. 21 at 10, Stafford, last ex.—*Isaac Taylor White*, Long Buckley, Northamptonshire, miller, Jan. 20 at 11, Daventry, last ex.—*Samuel H. Faiers*, Ipswich, Suffolk, furrier, Jan. 17 at 10, Ipswich, last ex.—*Edward Houghton*, Daventry, Northamptonshire, tailor, Jan. 20 at 11, Daventry, last ex.—*Tom Riding*, Leeds, Yorkshire, carver, Jan. 21 at 3, Wakefield, last ex.—*Samuel F. McDonald*, Plymouth, Devonshire, seamen's outfitter, Jan. 14 at 11, Tavistock, last ex.—*James Roberts*, Goudhurst, Kent, dealer in wood, Jan. 14 at 11, Tenterden, last ex.—*David Aspinall*, Lindley, Huddersfield, Yorkshire, slater, Jan. 30 at 10, Huddersfield, last ex.—*F. Milnes*, Kirkheaton, Yorkshire, innkeeper, Jan. 30 at 10, Huddersfield, last ex.—*Edward Priestley*, Huddersfield, Yorkshire, fulling miller, Jan. 30 at 10, Huddersfield, last ex.—*George Smethurst*, Huddersfield, Yorkshire, baker, Jan. 30 at 10, Huddersfield, last ex.—*Frederick W. Astles*, Smethwick, Staffordshire, schoolmaster, Jan. 13 at 11, Birmingham, ord. of dis.—*Richard Wright*, Birmingham, polisher, Jan. 13 at 11, Birmingham, ord. of dis.—*Philip Pembroke*, Hay, Brecknockshire, tailor, Feb. 11 at 11, Hay, last ex.—*Harriet Goven*, widow, Colchester, Essex, shoe manufacturer, Jan. 22 at 12, Colchester, last ex.—*Samuel Turner*, Maldstone, Kent, out of business, Jan. 22 at 11, Maldstone, last ex.—*Francis Lang Brooking* the younger, Totnes, Devonshire, grocer, Jan. 15 at 12, Exeter, ch. ass.—*Andrew Holden*, *George Holden*, *Richard Holden*, and *Amos Holden*, Blackburn, Lancashire, cotton manufacturers, Jan. 8 at 12, Manchester, aud. ac.; Jan. 15 at 12, div.—*Thomas Mayor* and *James Mayor*, Freckleton, Lancashire, general merchants, Jan. 8 at 12, Manchester, aud. ac.—*John Crosthwaite*, Liverpool, merchant, Dec. 30 at 12, Liverpool, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward Henry Cogswell* and *George Day*, Peterborough, Northamptonshire, builders, Jan. 10 at half-past 1, London.—*James Cooper*, Wootton Bridge, Isle of Wight, miller, Jan. 10 at half-past 1, London.—*Mary Ann Belford*, Southampton, innkeeper, Jan. 13 at 12, London.—*John James Ridge*, Freeschool-street, St. John's, Southwark, Surrey, druggist, Jan. 13 at half-past 1, London.—*Harpley J. Mayer*, Stoke Ferry, Norfolk, cattle dealer, Jan. 15 at 11, London.—*Edw. David*, Bridgend, Glamorganshire, innkeeper, Jan. 14 at 11, Bristol.—*Joseph Goodwin*, Tunstall, Staffordshire, earthen-

ware dealer, Jan. 15 at 11, Birmingham.—*James Tree*, Worcester, scrivener, and West Malvern, Worcestershire, lodging-house keeper, Jan. 24 at 11, Birmingham.—*Samuel Wilmott*, Nottingham, lace manufacturer, Feb. 4 at half-past 11, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Daniel Terry*, Dover, Kent, engineer.—*Mark Warren*, Shoreditch, Middlesex, haberdasher.—*Solomon Lindo*, Westbourne-grove, Bayswater, Middlesex, wine merchant.—*James Morgan*, Upper Marylebone-street, Portland-place, Middlesex, printer.—*Henry Corke*, Tunbridge Wells, Kent, tailor.—*Neville Brown*, Fleet-street, City, hotel keeper.—*John Shattock*, Long Ashton, Somersetshire, farmer.—*Alfred Robbins*, Newport, Monmouthshire, builder.—*Wm. Waters*, Sunderland, Durham, ironmonger.—*Rich. Bradley*, Handsworth, Staffordshire, broker.—*John Douglas*, Wolverhampton, Staffordshire, draper.

#### PETITIONS ANNULLED.

*Wm. Langridge*, Charles-street, Westbourne-terrace, Middlesex, builder.—*James White*, Dunstable, Bedfordshire, builder.

#### SCOTCH SEQUESTRATIONS.

*John Beveridge*, Aberdeen, writer.—*Wm. Lincoln*, Glasgow, commission agent.—*John Purves M Watt*, deceased, Danse, writer.—*Lachlan Grant*, Grantown, carrier.—*Theo. Gordon*, Glasgow, writer.—*Alexander Kirkland*, Glasgow, civil engineer.

TUESDAY, Dec. 24.

#### BANKRUPTS.

THOMAS WARINGTON, Mark-lane and Seething-lane, City, corn merchant, Jan. 7 at half-past 11, London: Off. Ass. Pennell; Sols. Young & Plews, 20, Mark-lane.—Pet. f. Dec. 17.

JOHN MARTIN, Bridport-place, Hoxton, Middlesex, out of business, Jan. 7 at 1, London: Off. Ass. Pennell; Sol. Angell, 23, King-street, Guildhall.—Pet. f. Dec. 18.

JOHN ALAN McDONALD, Brighton, Sussex, officer in her Majesty's army, Jan. 14 at 12, London: Off. Ass. Pennell; Sols. Sydney & Son, 46, Pinsbury-circus.—Pet. f. Dec. 20.

WILLIAM SAMPSON, Fairleigh, Surrey (a prisoner in Horsemonger-lane Gaol), Jan. 7 at 11, London: Off. Ass. Pennell.

HENRY DOLL, Red Lion-street, Holborn, Middlesex, baker, Jan. 7 at 11, London: Off. Ass. Pennell; Sols. Lewis & Lewis, Ely-place.—Pet. f. Dec. 17.

THOMAS BACKHOUSE, Ormond-terrace, Richmond, Surrey (a prisoner in Horsemonger-lane Gaol), Jan. 7 at 11, London: Off. Ass. Pennell.

DESIRÉ GUILLEMIN, St. Swithin's-lane, City (a prisoner in the Debtors Prison for London and Middlesex), Jan. 7 at 11, London: Off. Ass. Pennell.

CHARLES PEGLER, Meredith-street, Clerkenwell, Middlesex, watch dial maker, Jan. 7 at half-past 12, London: Off. Ass. Cannan; Sol. Warrand, 73, Basinghall-street.—Pet. f. Dec. 19.

JOHN SPRINGETT, Wadhurst, Sussex, and Wellington-chambers, London-bridge, Southwark, Surrey, hop merchant, Jan. 7 at 10, London: Off. Ass. Cannan; Sols. Wilkinson & Co., 4, Nicholas-lane.—Pet. f. Dec. 20.

JOHN ROWLAND CONROY, Ratcliff-street, St. George's-in-the-East, Middlesex, lodging-house keeper, Jan. 6 at 11, London: Off. Ass. Cannan; Sol. Moss, 23, Moorgate-st.—Pet. f. Dec. 17.

FRANCIS GEORGE JOHN LASCELLES, Montpelier-row, Twickenham, Middlesex, retired brevet-colonel in the late Hon. East India Company's Service, 4th Madras Light Cavalry (a prisoner in the Queen's Prison), Jan. 7 at 10, London: Off. Ass. Cannan; Sol. Mardon, 99, Newgate-street.—Pet. f. Dec. 21.

JOHN RICHARD WEST (sued and committed as J. R. WEST, and sued with Frederick Brain), Rushton-street, Hoxton, Middlesex, timber dealer, Jan. 6 at half-past 12, London: Off. Ass. Cannan; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 19.

WILLIAM JOHN FRANKLIN, Acton-street, Gray's-inn-road, Middlesex, printer, Jan. 7 at 11, London: Off. Ass. Cannan; Sol. Mote, 33, Bucklersbury.—Pet. f. Dec. 21.

- WILLIAM CHARLES SMITH**, Brunswick-street, Great Dover-street, Surrey, baker (a prisoner in Horsemonger-lane Gaol), Jan. 7 at 10, London: Off. Ass. Cannan; Sol. Catchpole, 23, Great Tower-street.—Pet. f. Dec. 20.
- WILLIAM HILDEN**, King's Lynn, Norfolk, Jan. 7 at 10, London: Off. Ass. Cannan.
- THOMAS NECK**, Millpond-row, Bermondsey, Surrey, draper, Jan. 8 at 12, London: Off. Ass. Graham; Sols. Lewis & Lewis, 10, Ely-place, Holborn.—Pet. f. Dec. 21.
- FREDERICK VESTRIS WEBSTER**, Manchester-street, Manchester-square, Middlesex, teacher of elocution, Jan. 9 at 12, London: Off. Ass. Graham; Sol. Jerwood, 17, Ely-place, Holborn.—Pet. f. Dec. 21.
- HARRY BELLINGHAM** (sued as **HENRY BELLINGHAM**), Johnson's-place, St. George's, Hanover-square, Middlesex, builder (a prisoner in the Debtors Prison for London and Middlesex), Jan. 8 at half-past 11, London: Off. Ass. Graham.—Pet. f. Dec. 18.
- WILLIAM JOHN ELL**, Basinghall-street, City, accountant's clerk, Jan. 10 at half-past 2, London: Off. Ass. Stansfeld; Sol. Reed, 1, Guildhall-chambers.—Pet. f. Dec. 19.
- HENRY NICHOLSON**, Princes-street, Chelsea, Middlesex, currier (a prisoner in the Debtors Prison for London and Middlesex), Jan. 9 at half-past 11, London: Off. Ass. Stansfeld; Sol. Davies, 9, Union-court, Old Broad-street.—Pet. f. Dec. 21.
- WILLIAM WYMARK**, Willoughby-terrace-park, Tottenham, Middlesex, and Great St. Helena, London, shipbroker (trading under the style of Wymark & Co.), Jan. 8 at 11, London: Off. Ass. Stansfeld.—Pet. f. Dec. 16.
- PAUL JOHN CAMPBELL BEDFORD**, York-buildings, Adelphi, Middlesex, clerk in the Admiralty Office, Somerset House, Jan. 10 at 1, London: Off. Ass. Edwards; Sol. Hall, 21, Coleman-street.—Pet. f. Dec. 18.
- WILLIAM HENRY SPONG**, Picton-street, Camberwell-green, cab proprietor, Jan. 10 at 12, London: Off. Ass. Edwards; Sol. Peverley, 19, Coleman-street.—Pet. f. Dec. 20.
- GEORGE LEVY** (known and calling himself **GEORGE LEWIS**, and sued and detained as **GEORGE HENRY SPENCER**), Dyer's-buildings, Holborn, London, and Euston-road, St. Pancras, Middlesex, licensed auctioneer (a prisoner in the Debtors Prison for London and Middlesex), Jan. 10 at 3, London: Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 19.
- JOHN KNAPP**, Northampton, shoe manufacturer, Jan. 10 at 12, London: Off. Ass. Edwards; Sols. Becke, Northampton; Metcalfe, Furnival's-inn, London.—Pet. f. Dec. 21.
- RICHARD BENNETT ELEN**, Royal-road, Kennington-park, Newington, Surrey, out of business, Jan. 10 at 2, London: Off. Ass. Edwards; Sol. Pittman, 94, Upper Stamford-street, Lambeth.—Pet. f. Dec. 21.
- WILLIAM JAMES TAYLER**, Great Dover-street, Newington, Surrey, army contractor (trading as W. & J. Tayler), Jan. 10 at 2, London: Off. Ass. Edwards; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Pet. f. Dec. 21.
- GEORGE LOSEBY WORTH**, Wellington-place, Hornsey, Middlesex, newspaper reporter (a prisoner in the Debtors Prison for London and Middlesex), Jan. 10 at 3, London: Off. Ass. Edwards; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 20.
- HENRY BENT**, Birmingham, in no business, Jan. 6 at 12, Birmingham: Off. Ass. Kinnear.
- EMMA NOON**, Burslem, Staffordshire, clothier, Jan. 6 at 12, Birmingham: Off. Ass. Kinnear; Sols. Miller, Bristol; Hodgson & Allen, Birmingham.—Pet. f. Dec. 7.
- FREDERICK DEB**, Birmingham, licensed victualler, Jan. 10 at 12, Birmingham: Off. Ass. Kinnear; Sols. Hodgson & Allen, and Cheshire, Birmingham.—Pet. f. Dec. 21.
- WILLIAM SWIFT**, Leominster, Herefordshire, innkeeper, Jan. 6 at 12, Birmingham: Off. Ass. Kinnear; Sol. Hodgson & Allen, Birmingham.—Pet. f. Dec. 10.
- WILHELM KLOSS**, Birmingham, professor of music, Jan. 6 at 12, Birmingham: Off. Ass. Whitmore; Sols. East & Parry, Birmingham.—Pet. f. Dec. 21.
- FRANCIS WILLIAM BENNETT**, East Stonehouse, Devonshire, lieutenant in the Royal Navy, Jan. 11 at half-past 12, Plymouth: Off. Ass. Hirtzel; Sol. Brian, Plymouth.—Pet. f. Dec. 19.
- JOHN RILES BINLEY**, Ashby-de-la-Zouch, Leicestershire, tanner, Jan. 9 at 11, Nottingham: Off. Ass. Harris; Sols. East & Parry, Birmingham.—Pet. f. Dec. 21.
- WILLIAM SPOONER**, Tredegar, Monmouthshire, marine store dealer, Jan. 7 at 11, Bristol: Off. Ass. Miller; Sol. Brittan, Bristol.—Pet. f. Dec. 19.
- JENNETT HUGHES**, Fyomonddu, Clydey, Pembrokeshire (a prisoner in Haverfordwest Gaol), Jan. 7 at 11, Bristol: Off. Ass. Miller; Sol. Brittan, Bristol.—Pet. f. Dec. 19.
- THOMAS ROWLANDS**, Lampeter Velfrey, Pembrokeshire, Jan. 7 at 11, Bristol: Off. Ass. Acraman; Sol. Brittan, Bristol.
- THOMAS JOHN PATTERSON**, Bristol, sailmaker, Jan. 6 at 11, Bristol: Off. Ass. Acraman; Sols. Abbot & Co., Bristol.—Pet. f. Dec. 21.
- RICHARD THOMAS JONES**, Branksea Island, Dorsetshire, grocer, Jan. 7 at 12, Exeter: Off. Ass. Hirtzel; Sols. Parr, Poole; Ploud, Exeter.—Pet. f. Dec. 21.
- CHARLES PITTS** and **JOHN PITTS**, Sheffield, razor manufacturers, Jan. 4 at 11, Sheffield: Off. Ass. Young; Sols. Binney, Sheffield; Harle, Leeds.—Pet. f. Dec. 19.
- ROBERT BRECKON**, Whitby, Yorkshire, attorney-at-law, Jan. 10 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. f. Dec. 23.
- JOHN CRAWFORD**, Liverpool, wholesale stationer, Jan. 6 at 12, Liverpool: Off. Ass. Morgan; Sol. Husband, Liverpool.—Pet. f. Dec. 20.
- HENRY SUTHERS** and **JONATHAN MORLEY**, Manchester, cloth agents, Jan. 6 at 12, Manchester: Off. Ass. Pott; Sol. Gartside, Manchester.—Pet. f. Dec. 13.
- JOHN DRINKWATER**, Manchester, stuff manufacturer, Jan. 3 at 1, Manchester: Off. Ass. Pott; Sol. Tidswell, Manchester.—Pet. f. Dec. 19.
- THOMAS HERBERT**, Manchester, flour merchant, Jan. 4 at 11, Manchester: Off. Ass. Hernaman; Sol. Storer, Manchester.—Pet. f. Dec. 14.
- LOUIS BARTHOLOMEW DELAUNAY**, Blackley, Lancashire, dyer, Jan. 7 at 12, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Pet. f. Dec. 21.
- JOSEPH BOLTON**, Blackburn, Lancashire, Jan. 4 at 11, Manchester: Off. Ass. Fraser; Sol. Gardner, Manchester.
- ANDREW GEORGE HUNTER** and **HENRY SUGDEN**, Newcastle-upon-Tyne, manufacturers of caustic alkali, Jan. 7 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.—Pet. f. Dec. 18.
- PETER COOLEY**, Newcastle-upon-Tyne, metal merchant, Jan. 8 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Dec. 19.
- THOMAS SMITH**, Cockerton, near Darlington, Durham, farmer, Jan. 8 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Pet. f. Dec. 19.
- GEORGE HENRY JOHNSON**, South Shields, Durham, grocer, Jan. 7 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Brignal, Durham.—Pet. f. Dec. 20.
- PETER SIMPSON**, Newcastle-upon-Tyne, publican, Jan. 8 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Joel, Newcastle-upon-Tyne.—Pet. f. Dec. 19.
- EDWARD BEST**, West Hartlepool, Durham, ironfounder, Jan. 9 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.
- SAMUEL STOKES**, Handsworth, Staffordshire, jeweller, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sols. Powell & Son, Birmingham.—Pet. f. Dec. 19.
- GEORGE MASON**, Birmingham, jeweller, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sols. Sutton & Jelf, Birmingham.—Pet. f. Dec. 20.
- WILLIAM CARRINGTON** the elder, Birmingham, painter, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sol. Duke, Birmingham.—Pet. f. Dec. 20.
- EDWIN HEWLETT**, Bristol, beer retailer, Jan. 9 at 2, Bristol: Off. Ass. Harley & Gibbs; Sol. Ayre.—Pet. f. Dec. 20.
- ABRAHAM HENDERSON**, Bristol, baker, Jan. 9 at half-past 1, Bristol: Off. Ass. Harley & Gibbs; Sol. Roper.—Pet. f. Dec. 19.
- JAMES FLYNN**, Liverpool, tobacconist, Jan. 9 at 3, Liverpool: Off. Ass. Hime; Sol. Thornley, Liverpool.—Pet. f. Dec. 19.

- CHARLES WILKIN**, Liverpool, Jan. 13 at 3, Liverpool: Off. Ass. Hime.
- ROBERT SANDIFORD**, Everton, Lancashire, Jan. 10 at 1, Liverpool: Off. Ass. Hime.
- ROBERT PILKINGTON**, Chorlton-upon-Medlock, Manchester, packing-case maker, Jan. 14 at half-past 9, Manchester: Off. Ass. Kay; Sol. Stiles, Manchester.—Pet. f. Dec. 18.
- HOLT EDMONDSON**, Chorlton-upon-Medlock, Manchester, traveller on commission, Jan. 14 at half-past 9, Manchester: Off. Ass. Kay; Sol. Swan, Manchester.—Pet. f. Dec. 20.
- HENRY GIBB** the elder, Collyhurst, Manchester, quarry master, Jan. 14 at half-past 9, Manchester: Off. Ass. Kay; Sol. Eltoft, Manchester.—Pet. f. Dec. 20.
- JOHN ROBERTS**, Manchester, staymaker, Jan. 21 at 12, Manchester: Off. Ass. Kay.—Pet. f. Dec. 20.
- EDMUND PHELAN**, Manchester, provision dealer, Jan. 21 at 12, Manchester: Off. Ass. Kay.—Pet. f. Dec. 20.
- WILLIAM SHAW**, Wath-upon-Dearne, Yorkshire, joiner, Jan. 3 at 10, Rotherham: Off. Ass. Newman & Hoyle; Sol. Binney, Sheffield.—Pet. f. Dec. 17.
- THOMAS BINGHAM**, Holbeach, Lincolnshire, grocer, Jan. 1 at 2, Holbeach: Off. Ass. Caparn; Sol. Ayliff, Holbeach.—Pet. f. Dec. 18.
- WILLIAM MERCHANT AVANT**, North Petherton, Somersetshire, tailor, Jan. 15 at 10, Bridgwater: Off. Ass. Lovibond; Sol. Reed, Bridgwater.—Pet. f. Nov. 4.
- SAMUEL CORY**, Northampton, tailor, Jan. 4 at 11, Northampton: Off. Ass. Dennis; Sols. Sheld & White, Northampton.—Pet. f. Dec. 19.
- THOMAS KELLY**, Kirkby Lonsdale, Westmoreland, stonemason, Jan. 7 at 11, Kirkby Lonsdale: Off. Ass. Roper; Sol. Pearson, Kirkby Lonsdale.—Pet. f. Dec. 19.
- RICHARD FITCHETT**, Stretton, Staffordshire, out of business, Jan. 6 at 2, Burton: Off. Ass. Hubbersty; Sol. Borough, Derby.—Pet. f. Dec. 19.
- RICHARD CARFOOT**, Burton-upon-Trent, Staffordshire, bricklayer, Jan. 6 at 2, Burton: Off. Ass. Hubbersty; Sol. Borough, Derby.—Pet. f. Dec. 19.
- SAMUEL STERLAND**, Alfreton, Derbyshire, butcher, Jan. 3 at 11, Alfreton: Off. Ass. Hubbersty; Sol. Heale, Matlock.—Pet. f. Dec. 19.
- JOHN GREW**, Rickingham Inferior, Suffolk, shoemaker, Jan. 6 at 11, Eye: Off. Ass. Chenery; Sol. Cream, Eye.—Pet. f. Dec. 17.
- CHARLES GEORGE**, Worcester, greengrocer, Jan. 8 at 11, Worcester: Off. Ass. Hill; Sol. Wilson, Worcester.—Pet. f. Dec. 18.
- WILLIAM BRADLEY**, Wakefield, Yorkshire, stonemason, Jan. 4 at 11, Wakefield: Off. Ass. Mason; Sol. Senior, Wakefield.—Pet. f. Dec. 20.
- GEORGE CASTLE**, Lockwood, Almondsbury, Yorkshire, coal agent, Jan. 16 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Clough, Huddersfield.—Pet. f. Dec. 18.
- EVAN BROWN**, Tenby, St. Mary Inliberty, Pembrokeshire, butcher, Jan. 13 at 10, Pembroke: Off. Ass. Lanning; Sol. Parry, Pembroke Dock.—Pet. f. Dec. 19.
- JOHN WORSLEY**, Northwich, Cheshire, boat haulier, Jan. 16 at 2, Northwich: Off. Ass. Cheshire; Sol. Bent, Warrington.—Pet. f. Dec. 18.
- THOMAS DEWELL**, Redcar, Yorkshire, mason, Jan. 3 at half-past 2, Stockton: Off. Ass. Crosby; Sol. Trotter, Bishop Auckland.—Pet. f. Dec. 13.
- CHARLES HENRY WILLIAM COOPER**, Oxford, tailor, Jan. 10 at 10, Oxford: Off. Ass. Dudley; Sol. Looker, Oxford.—Pet. f. Dec. 21.
- JESSE HILL**, Weethall, Suffolk, veterinarian, Jan. 7 at 11, Halesworth: Off. Ass. Baas; Sol. Read, Halesworth.—Pet. f. Dec. 18.
- WILLIAM HAMBLING**, Melton, Suffolk, farmer, Jan. 6 at 2, Halesworth: Off. Ass. Baas; Sol. Churchyard, Woodbridge.—Pet. f. Dec. 21.
- JOSEPH ROSE**, Harwich, Essex, beer-house keeper, Jan. 3 at 12, Harwich: Off. Ass. Chapman; Sol. Moore, Ipswich.—Pet. f. Dec. 20.
- JOHN BROWNING**, Great Coggeshall, Essex, carpenter, Dec. 28 at 11, Chelmsford: Off. Ass. Cunnington, Braintree.
- JOSEPH MAKEPEACE**, Blaydon, Durham, baker, Jan. 9 at 12, Gateshead: Off. Ass. Ingledew.
- RICHARD PEARKS**, Halesowen, Worcestershire, farmer, Jan. 9 at 11, Bromsgrove: Off. Ass. Scott; Sol. Maltby, Dudley.—Pet. f. Dec. 20.
- ELIJAH GROVE** the elder, Kidderminster, journeyman butcher, Jan. 15 at 2, Kidderminster: Off. Ass. Talbot; Sol. Jackson, West Bromwich.—Pet. f. Dec. 19.
- JOHN BOYCE**, Colston Bassett, Nottinghamshire, cordwainer, Jan. 21 at 10, Bingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Dec. 21.
- CHARLES GINGELL**, Walcott, Bath, Somersetshire, general-shop keeper, Jan. 7 at 11, Bath: Off. Ass. Smith; Sol. Bartrum, Bath.—Pet. f. Dec. 19.
- ALEXANDER CAMPBELL**, Newcastle-upon-Tyne, master mariner, Jan. 16 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton.—Pet. f. Dec. 19.
- HELEN ROSS**, spinster, Pentonville-road, Middlesex, out of business, Jan. 16 at 10, Newcastle-upon-Tyne: Off. Ass. Clayton.
- JOHN FORSTER**, Lymm, Cheshire, fustian cutter, Jan. 9 at 12, Warrington: Off. Ass. Nicholson; Sol. Bent, Warrington.—Pet. f. Dec. 5.
- ALFRED JAMES**, Dorking, Surrey, watchmaker, Jan. 22 at 11, Dorking: Off. Ass. Hart; Sol. Buchanan, 13, Basinghall-street, London.—Pet. f. Dec. 20.
- WILLIAM ROGERS**, Cardiff, Glamorganshire, agent to the Burnham Steam Navigation Company, Jan. 6 at 11, Cardiff: Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. Dec. 19.
- JOHN DANDO**, Roath, near Cardiff, Glamorganshire, freestone mason, Jan. 6 at 12, Cardiff: Off. Ass. Langley; Sol. Ensor, Cardiff.—Pet. f. Dec. 13.
- WILLIAM PERROTT**, Cardiff, Glamorganshire, tailor, Jan. 6 at half-past 11, Cardiff: Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. Dec. 14.
- NATHANIEL NETTLETON**, Hulme, Manchester, grocer, Jan. 4 at 10, Salford: Off. Ass. Hulton; Sol. Gartside, Manchester.
- CHRISTOPHER FRANCIS HOLMES**, Spondon, Derbyshire, lieutenant-colonel in the army, Jan. 3 at 12, Derby: Off. Ass. Weller; Sol. Jessopp, Derby.—Pet. f. Dec. 14.
- EDWIN MASON**, Crieih, Derbyshire, attorney's clerk, Jan. 3 at 12, Derby: Off. Ass. Weller; Sol. Borough, Derby.—Pet. f. Dec. 16.
- JOHN THOMAS CANNING**, Grove-road, Hounslow, Middlesex, out of business, Jan. 14 at 1, Bishops Stortford: Off. Ass. Unwin; Sol. Rae, 18, Warwick-court, Gray's-inn, London.—Pet. f. Dec. 21.
- ISAAC TOWERS**, Farnworth, Lancashire, bootmaker, Jan. 6 at 10, Bolton: Off. Ass. Holden; Sol. Edge.—Pet. f. Dec. 19.
- JEREMIAH BIRD**, Eddlesborough, Buckinghamshire, farm labourer, Jan. 15 at 12, Leighton Buzzard: Off. Ass. Kipling; Sol. Scargill, Dunstable and Luton.—Pet. f. Dec. 20.
- WILLIAM LASHFORD**, Brighton, grocer, Jan. 4 at 1, Brighton: Off. Ass. the registrar; Sol. Goodman, Brighton.—Pet. f. Dec. 20.
- JOHN MILLARD**, Eversholt, Bedfordshire, worker of a steam-engine, Jan. 3 at 11, Amptill: Off. Ass. the registrar; Sol. Conquest, Bedford.—Pet. f. Dec. 17.

## MEETINGS.

*William Baggott*, Bromyard, Herefordshire, innkeeper, Jan. 23 at 11, Birmingham, last ex.—*Joseph Bridgen*, Wolverhampton, Staffordshire, stationer, Jan. 23 at 11, Birmingham, last ex.—*William Parkes*, Bromsgrove, Worcestershire, farmer, Jan. 23 at 11, Birmingham, last ex.—*Robert Bidgood* and *William Day*, Nottingham, lace makers, Jan. 28 at half-past 11, Nottingham, last ex.—*James Parriak*, Crowland, Lincolnshire, basket maker, Jan. 28 at half-past 11, Nottingham, last ex.—*Thomas Bowmar*, Kirkby-in-Ashfield, Nottinghamshire, lime burner, Jan. 28 at half-past 11, Nottingham, last ex.—*John Cunningham*, Stowey, near Pensford, Somersetshire, horse dealer, Jan. 20 at 11, Bristol, last ex.—*Daniel Burton Waldegrave* the younger, Spilsby, Lincolnshire, draper, Jan. 15 at 12, Kingston-upon-Hull, last ex.—*Benjamin Bartlett Nicholls*, Chapelton, near Leeds, Yorkshire, commission merchant, Jan. 14 at 11, Leeds, last ex.—*Sarah Ann Middleton*, New Holland, Lincolnshire, licensed victualler, Jan. 15 at 12, Kingston-upon-Hull, last ex.—*John Nicol*, Kingston-upon-Hull, coal merchant, Jan.

15 at 12, Kingston-upon-Hull, last ex.—*Findlay Grestham*, Liverpool, flour dealer, Jan. 10 at 1, Liverpool, last ex.—*William Dodd*, Birkenhead, Cheshire, provision dealer, Jan. 7 at 12, Liverpool, last ex.—*Henry Stirke*, Manchester, and Sale, Cheshire, attorney, Jan. 11 at 11, Manchester, last ex.—*Ann Johnston*, Warrington, Lancashire, provision dealer, Jan. 18 at 12, Manchester, last ex.—*Louis Sideman*, Manchester, cap manufacturer, Jan. 17 at 12, Manchester, last ex.—*Frederick Sugden*, Oldham, Lancashire, machinist, Jan. 18 at 11, Manchester, last ex.—*Francis Foster*, Bridgwater, Somersetshire, beer-house keeper, Jan. 10 at 9, Bridgwater, last ex.—*Thomas Williams*, Bridgwater, Somersetshire, fireman on board a steam-tug, Jan. 10 at 9, Bridgwater, last ex.—*Elias Asten*, Atcham, Alderbury, and Harley, Shropshire, brickmaker, Jan. 13 at 10, Shrewsbury, last ex.—*Frederick G. Martin*, Holbeach, Lincolnshire, butcher, Jan. 16 at 10, Holbeach, last ex.—*John Harwood*, Burnley, Lancashire, cider manufacturer, Jan. 23 at a quarter to 12, Burnley, last ex.—*Joseph Nuttall*, Elton within Bury, Lancashire, draper, Jan. 8 at 11, Bury, last ex.—*T. H. Renton*, Berwick-upon-Tweed, house carpenter, Jan. 8 at half-past 12, Berwick-upon-Tweed, last ex.—*Henry Nichol*, Tweedmouth, Berwick-upon-Tweed, agricultural implement maker, Jan. 8 at half-past 12, Berwick-upon-Tweed, last ex.—*John Bacon*, York, tea dealer, Jan. 14 at 11, York, last ex.—*T. Booth*, York, licensed victualler, Jan. 14 at 11, York, last ex.—*John Austin*, Newcastle, Glamorganshire, carpenter, Jan. 6 at 10, Bridgend, last ex.—*Wm. Coleman*, Northampton, baker, Feb. 5 at 10, Northampton, last ex.—*George Johnson*, Northampton, shoemaker's assistant, Feb. 5 at 10, Northampton, last ex.—*David Jecons*, Tipton, Staffordshire, innkeeper, Feb. 11 at 10, Dudley, last ex.—*Thomas Garwood*, Bury St. Edmunds, Suffolk, out of business, Jan. 11 at 10, Bury St. Edmunds, last ex.—*William Goymour*, Bradfield St. Clare, Suffolk, farmer, Jan. 11 at 10, Bury St. Edmunds, last ex.—*William Wyer*, Attleborough, Norfolk, shoemaker, Jan. 9 at 11, Attleborough, last ex.—*George Tagg*, Farnham, Surrey, toy-shop keeper, Jan. 7 at 12, Farnham, last ex.—*William Jenkins*, Alderhot, Hampshire, baker, Jan. 7 at 12, Farnham, last ex.—*Robert Squires*, Brierley-hill, Staffordshire, licensed victualler, Jan. 28 at 10, Stourbridge, last ex.—*Wm. Shons*, Oldham, Lancashire, wireworker, Jan. 17 at 12, Oldham, last ex.—*George Strong*, Penrith, Cumberland, husbandman, Jan. 2 at 9, Penrith, last ex.—*Thomas M. Geddes*, Warrington, Lancashire, commission agent, Jan. 9 at 12, Warrington, last ex.—*George Heppenstall*, Sheffield, steel converter, Feb. 6 at 12, Sheffield, last ex.—*James Jepson*, Sheffield, grocer, Feb. 6 at 12, Sheffield, last ex.—*Robert Higginbottom*, Sheffield, steel melter, Feb. 6 at 12, Sheffield, last ex.—*Joseph Unwin*, Ecclesfield, Yorkshire, tallow chandler, Feb. 6 at 12, Sheffield, last ex.—*Elizabeth Petchell* and *Caroline Petchell*, Sheffield, milliners, Feb. 6 at 12, Sheffield, last ex.—*Edward Lawson*, Sheffield, shoemaker, Feb. 6 at 12, Sheffield, last ex.—*Thomas Froggatt*, Sheffield, table-knife cutler, Feb. 6 at 12, Sheffield, last ex.—*J. C. Bibbing*, North Shields, Northumberland, master mariner, Jan. 24 at 10, North Shields, last ex.—*David Johnston*, North Shields, Northumberland, licensed victualler, Jan. 21 at 10, North Shields, last ex.—*Adam Y. Harvey*, North Shields, Northumberland, builder, Jan. 21 at 10, North Shields, last ex.—*Myers Jackson*, North Shields, Northumberland, travelling glazier, Jan. 21 at 10, North Shields, last ex.—*R. Ogden*, Tonge, Lancashire, farmer, Jan. 17 at 12, Oldham, last ex.—*Joseph Hawkey*, Tyward-reath, Cornwall, farmer, Jan. 18 at 10, St. Austell, last ex.—*George Barnsley*, Bradbourne, Derbyshire, out of business, Jan. 18 at 12, Derby, last ex.—*J. Roberts*, Conway, Carnarvonshire, painter, Jan. 23 at 10, Conway, last ex.—*J. Andrews*, Horsham, Sussex, miller, Jan. 7 at 12, Horsham, last ex.—*Wm. John Olive*, Heathfield, Sussex, nurseryman, Jan. 14 at 12, Lewes, last ex.—*T. Facer*, Sulgrave, Northamptonshire, Jan. 15 at 10, Brackley, last ex.—*Thomas Baker*, Bristol, painter, Jan. 28 at 10, Bristol, last ex.—*Henry John Williams*, Bristol, commercial traveller, Jan. 28 at 10, Bristol, last ex.—*Thomas Dalton*, Bristol, horsekeeper, Jan. 28 at 10, Bristol, last ex.—*Anthony Hodder*, Bristol, carpenter, Jan. 28 at 10, Bristol, last ex.—*Edward Collis*, Bristol, accountant, Jan. 28 at 10, Bristol, last ex.—*Francis De Yrigort*, Muscovy-court, Tower-hill, City, wine merchant, Jan. 4 at 11, London, pr. d.—*Stephen S. Smithson*, Kingston-upon-Hull, provision merchant, Jan. 15 at 12, Kingston-upon-Hull, aud. ac. and div.—*James Cooper*, Man-

chester, rag merchant, Jan. 9 at 12, Manchester, aud. ac.; Jan. 16 at 12, div.—*Henry Fletcher*, Painswick, Gloucestershire, woollen cloth manufacturer, Jan. 16 at 11, Bristol, fin. div.—*Robert Edmeston* and *Thomas Higham*, Birstal, Yorkshire, stuff manufacturers, Jan. 9 at 11, Leeds, div. sep. est. of *Thomas Higham*.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Lee*, George-yard, Lombard-street, City, and Birmingham, merchant, Jan. 30 at 1, London.—*Samuel Salmonson*, Abchurch-lane, City, bill broker, Jan. 14 at 12, London.—*Thomas Swift* and *Robert Wigfull*, Manchester, coal merchants, Jan. 16 at 12, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Joseph John Connihan*, Fenchurch-street, City, merchant.—*Edward Simons*, Newgate-street, City, and Birmingham, lamp dealer.—*Thomas Ferris*, Ashburton, Devonshire, tailor.—*F. J. Russell*, Salisbury, Wiltshire, linen-draper.—*Wm. B. Tuke*, St. Dunstan's-hill, City, wine broker.—*W. Smith*, Bermondsey New-road, Surrey, tanner.—*John Large*, Upton, Berkshire, cattle salesman.—*James B. Gray*, Bromley, Middlesex, draper.—*John Smith*, Fallsworth, near Manchester, manufacturer.

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Mr. W. MURRAY, on Common Law and Mercantile Law, Monday, Jan. 13.  
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## GAZETTES.—FRIDAY, Dec. 27, 1861.

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**WILLIAM HECKFORD**, Gamblingay, Cambridgeshire, grocer, Jan. 8 at half-past 11, London: Off. Ass. Bell; Sols. Rhodes & Co., Chancery-lane.—Pet. f. Dec. 20.

**THOMAS HALL and ROBERT DEVEREUX HALL**, Whitechapel-road, Middlesex, builders (trading under the style or firm of Thomas Hall & Son), Jan. 8 at half-past 12, London: Off. Ass. Bell; Sol. Cranch, London-street.—Pet. f. Dec. 24.

**HENRY GEORGE STEPHENS** (sued as H. G. STEPHENS), Salisbury-terrace, Ball's-pond-road, Middlesex, dealer in music (a prisoner in the Debtors Prison, London), Jan. 8 at half-past 1, London: Off. Ass. Bell; Sol. Holt, Quality-court.—Pet. f. Dec. 24.

**CHARLES KAY and JOSEPH ICK EVANS**, Fitzroy-street, Fitzroy-square, Middlesex, house agents, Jan. 8 at 11, London: Off. Ass. Johnson; Sol. Munday, 5, Fountain-court, Strand.—Pet. f. Dec. 19.

**HENRY WILSON**, Charles-street, Haymarket, Middlesex, medical agent, Jan. 8 at 12, London: Off. Ass. Johnson; Sols. Lewis & Sons, Wilmington-square.—Pet. f. Dec. 21.

**WILLIAM SPEED CLOTHIER**, Portsea, Southampton, licensed victualler, Jan. 8 at 1, London: Off. Ass. Johnson; Sol. Aldridge, 46, Moorgate-street.

**FRANCES BUSBY**, widow, Corrugated-row, Queen's-road, Bermondsey, Surrey, butcher, Jan. 8 at 11, London: Off. Ass. Johnson; Sol. Solomon, Finsbury-place.—Pet. f. Dec. 19.

**JOHN WHITCHELO**, Park-road, Battersea, Surrey, and William-st., Shoreditch, Middlesex, patent leather dresser, Jan. 8 at half-past 11, London: Off. Ass. Johnson; Sols. Lea & Saunders, Barge-yard-chambers.—Pet. f. Dec. 19.

**CHARLOTTE WYMER**, Delamere-crescent, Westbourne-grove, Middlesex, out of business, Jan. 8 at 1, London: Off. Ass. Johnson; Sol. Aldridge, 46, Moorgate-street.

**THOMAS PHILIP HAMPER and FREDERICK COLINGWOOD**, Mark-lane, City, hop factors, Jan. 7 at 11, London: Off. Ass. Cannan; Sols. Gooday, Sudbury; Chilton & Co., 25, Chancery-lane, London.—Pet. f. Dec. 18.

**CHARLES MISVILLE BROWNE**, Long-acre, Middlesex, out of business, Jan. 14 at 10, London: Off. Ass. Cannan; Sol. Dubois, 56, Coleman-street.—Pet. f. Dec. 24.

**GEORGE SHEPHERD**, Kingston-Bagpuize, Berkshire, baker, Jan. 14 at 10, London: Off. Ass. Cannan; Sols. Harrison & Lewis, 6, Old Jewry.—Pet. f. Dec. 24.

**SAMUEL LUCAS RABAN**, Maldon-road, Haverstock-hill, Middlesex, boarding-house keeper, Jan. 14 at 10, London: Off. Ass. Cannan.

**WILLIAM METCALF**, Cannon-street-road, Middlesex, waterman, Jan. 14 at 10, London: Off. Ass. Cannan.

**CHARLES MARTIN**, Delahay-street, Westminster, and Mark-lane, City, engineer, Jan. 7 at half-past 1, London: Off. Ass. Pennell; Sol. Oliver, 13, Lawrence-lane.—Pet. f. Dec. 19.

**JOHN BEARD**, Lindfield, Sussex, innkeeper (a prisoner in the County Gaol, Lewes), Jan. 14 at half-past 12, London: Off. Ass. Pennell; Sols. Chilton & Co., 25, Chancery-lane.—Pet. f. Dec. 24.

**ARTHUR DASHWOOD and GEORGE SAMUEL SYMONS**, Crescent, Hackney-road, Middlesex, Paraffin lamp manufacturers, Jan. 14 at 12, London: Off. Ass. Pennell; Sols. Peck & Downing, 10, Basinghall-street.—Pet. f. Dec. 24.

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**WILLIAM FRENCH**, Great Marylebone-street, Middlesex, bootmaker (a prisoner in Whitecross-street Prison), Jan. 7 at 12, London: Off. Ass. Pennell; Sol. Clarke, 2, Stanley-place, Paddington-green.—Pet. f. Dec. 26.

**MANUEL MARIE ANTOINE DE GIL DE OLIVARES** (sued as M. DE GIL DE OLIVARES), Great Newport-street, Leicester-square, Middlesex, general merchant (a prisoner in the Debtors Prison, London), Jan. 9 at 1, London: Off. Ass. Graham; Sol. Podmore, 3, Great St. Helens, Bishopsgate-street.—Pet. f. Dec. 24.

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**JOHN WILLIAM BROWN**, alias J. JENKINSON, Hereford (a prisoner in Hereford County Gaol), Jan. 11 at 11, London: Off. Ass. Stansfeld.

**MORITZ SELLMAR**, Howard-street, Strand, Middlesex, general agent (a prisoner in the Debtors Prison for London and Middlesex), Jan. 9 at half-past 1, London: Off. Ass. Stansfeld.

**ROBERT COURT CULLEN**, Forest-place, Forest-row, Kingsland-road, Middlesex, out of business (a prisoner in the Debtors Prison for London and Middlesex), Jan. 14 at 10, London: Off. Ass. Edwards.—Pet. f. Dec. 26.

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## THE JURIST.

LONDON, JANUARY 4, 1862.

COMMERCIAL and maritime law, important subjects everywhere, are particularly so in England, and have been illustrated by many legal works of merit. The great changes effected in them of late years, especially by the Merchant Shipping Act, 17 & 18 Vict. c. 104, and some other acts, have, however, rendered those works comparatively useless, and the production either of fresh editions of them, or new works on the subject, indispensable. Two of these, MacLachlan on Merchant Shipping, and Maude & Pollock on Merchant Shipping, second edition, have lately been reviewed by us. (*Supra*, p. 373). Still the law on these subjects is far from being perfect or well understood, not merely in consequence of those changes, but from other causes inherent in the subjects themselves. Among these may be noted the difficult and very objectionable character of their phraseology.

Lawyers have been reproached in every age as using and revelling in "jargon," practising what Bentham calls "jargonisation." By these expressions, we suppose, are meant the needlessly introducing new words in order to express ideas which are already perfectly expressed by words in existence; and also the using in some new and non-natural sense words which have fixed ideas attached to them. This last is far the more mischievous, and comes under one of the abuses of words pointed out by Locke, "the using them with affected obscurity by wrong application." But if lawyers have sinned in this respect, they are not the only culprits; other classes of society, and the mercantile class especially, might fairly dispute with them the

palm of pre-eminence in it. Take, for instance, an ordinary policy of marine insurance. Mere acquaintance, however profound, with the English language, would not lead to an understanding of its real meaning, much more than a similar acquaintance with Arabic or Chinese; so thoroughly is that instrument pervaded with words used in distorted meanings, improper omissions, and antiquated expressions. The result of this is, that which always follows abuses of words, confusion of ideas; and their necessary consequence, ignorance of the subject-matter about which the words are employed. This sometimes goes so far as to reach even the fundamental principles of science or art.

An illustration may be found in the subject of "particular average"—an expression constantly used in the law of marine insurance; and a dispute as to the meaning of which arose in the recent case of *The Great India Peninsula Railway Company v. Saunders* (1 Best & Sm. 41; 7 Jur., N. S., part 1, p. 823). Before that case the term was thus explained in the second of the books to which we have referred:—

"Simple or particular average arises where any damage is done to the cargo or vessel by accident or otherwise, such as the loss of an anchor or cable, the starting of a plank, the turning sour of a cargo of wine, which are all losses which rest where they fall. This expression, as applied to losses of this description, has been said to be inaccurate; but the term *average* appears strictly not to imply any more than a *damage*." (Maude & Pollock on Merchant Shipping, 258, note (h)).

And in the first—

"General average denotes that contribution, which is made by all who are parties to the same adventure,

towards a loss arising out of extraordinary sacrifices made, or extraordinary expenses incurred, by some of them for the common benefit of ship and cargo. By this name it is distinguished from 'particular average,' which in insurance law denotes an ordinary loss happening by misadventure to ship or cargo, and is borne where it falls; and by 'gross average,' as it is sometimes named, it is distinguished from 'petty average,' the *average accustomed* inserted in bills of lading, and usually compounded for by a small per-centage to the shipowner." (MacLachlan on Merchant Shipping, 556).

Subsequent to the publication of both these works arose the case in question. That was a case stated without pleadings, by consent and by order of a judge, under the Common-law Procedure Act, 1852:—The plaintiffs insured themselves by the ship Bombay, on a voyage to Kurrachee or Bombay, by a policy in the ordinary form of a Lombard-street policy, on "rails valued at 4500*l.*, warranted free from particular average, unless the ship be stranded, sunk, or burnt." It appeared that the goods were shipped on board The Bombay, to be carried on the voyage, for a sum to be paid here, ship lost or not lost. The ship was by perils of the seas disabled, and obliged to put into Plymouth in such a state that she was not worth repairing; and no doubt, therefore, there was what is commonly called a constructive total loss of the ship; but she was neither stranded, sunk, nor burnt. The rails—the subject-matter of the insurance—were saved, and were sent on in other vessels to their destination; and, in order to forward them to their destination, it was necessary to pay freight to the extent of 825*l.* 11*s.* 7*d.* As the original contract of carriage was for a sum to be paid here, ship lost or not lost, the whole of this sum of 825*l.* 11*s.* 7*d.* was an extra expense incurred by the shipper of the goods, in consequence of the sea risk which had frustrated the voyage of The Bombay; and the question for the Court to determine was, whether the insured could recover this sum on a policy containing that warranty. Mr. Edward James, by whom the case was argued on the part of the plaintiff, contended that the expression "particular average" was confined to losses arising from injury to, or deterioration of, the goods themselves, and did not include expenses incurred in relation to the goods; for which he cited several authorities, both English and American, as giving at least a colourable support to his doctrine. The Court stopped the counsel on the other side, saying that they would consider the matter, and, if necessary, hear him on a future day. This, however, was deemed unnecessary, and the following written judgment was delivered by Blackburn, J., in the name of the Court. After citing several authorities leading to a conclusion at variance with that contended for by the plaintiff's counsel, his Lordship proceeded thus:—"No case has been cited, nor are we aware of the existence of any, tending to shew that these definitions of particular average are inaccurate. We think that we must put the same construction on this policy as if it had been expressed to be 'against total loss and general average only;' and, if so, it is self-evident that the claim in the present case cannot be in any way treated as a total loss or a general average." And judgment was accordingly given for the defendant.

There was another point in the case, to which we need not refer. We believe it is the intention of the parties to bring the case before a court of error.

In further illustration of the subject we may refer here to the extremely equivocal nature of the term "average." In MacLachlan, (pp. 381, 382) we find the following:—"The word *average* in this place denotes several petty charges, which are to be borne partly

by the ship and partly by the cargo, such as the expense of trimming, beaconage, &c. Some of the foreign ordinances specify the particulars that fall under this head, and the mode of distributing the charge; but with us they depend entirely upon usage, and an attempt to enumerate them would afford neither instruction nor entertainment." And in 1 Park. Ins. c. 6, 8th ed., speaking of partial losses and adjustment—"Another source of perplexity upon this subject is, the irregularity and confusion, which we meet with, in the present form of policies of insurance. Ambiguities frequently arise in them by using the same words in different senses; and in no instance is this absurdity more glaring than in the use of the word *average*. This word in *policies* has two significations; for it means, 'a contribution to a general loss;' and it is also used to signify 'a particular partial loss.' In commercial affairs, indeed, it has no less than four different meanings: and therefore it cannot be wondered at if much confusion of ideas has arisen upon the subject." The author then proceeds to distinguish between the four different senses of the word "average;" i. e. first, general average; secondly, small or petty average; thirdly, primage; fourthly, partial loss.

### BOOK RECEIVED.

The Maritime Rights and Obligations of Belligerents, as between themselves, their Allies, and Neutrals, as recognised by English Maritime Courts; with the Decision of Sir William Scott in the Case of "The Maria." By Charles J. J. Hannay, Esq., of the Inner Temple.—Amer. 1862.

### COMMON-LAW SITTINGS, IN AND AFTER HILARY TERM, 1862.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting, Monday, Jan. 13	1st sitting, Friday .. Jan. 17
2nd sitting, Monday ..... 20	2nd sitting, Friday ..... 24
3rd sitting, Monday ..... 27	
For undefended causes only.	

##### After Term.

Saturday ..... Feb. 1	Thursday ..... Feb. 13
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The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Tuesday ..... Jan. 14	Friday ..... Jan. 17
Monday ..... 20	Friday ..... 24

##### After Term.

Saturday ..... Feb. 1	Thursday ..... Feb. 13
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The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Exchequer of Pleas.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting, Monday, Jan. 13	1st sitting, Friday .. Jan. 17
2nd sitting, Monday ..... 20	2nd sitting, Friday ..... 24
3rd sitting, Monday ..... 27	

##### After Term.

Saturday ..... Feb. 1	Thursday ..... Feb. 13
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The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

**WILLIAM WALKER HOOLE**, Manchester, innkeeper, Jan. 15 at 1, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Pet. f. Dec. 24.

**CHARLES HERBERT GROVES**, Birmingham, builder, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sol. Brown, Birmingham.—Pet. f. Dec. 24.

**MARY BAGULEY**, Nottingham, grocer, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Ashwell, Nottingham.—Pet. f. Dec. 24.

**WILLIAM WHEEWALL**, New Radford, Nottinghamshire, fishmonger, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Brown, Nottingham.—Pet. f. Dec. 24.

**HENRY WILSON**, New Radford, Nottinghamshire, lace maker, Jan. 8 at 10, Nottingham: Off. Ass. Patchitt; Sol. Smith, Nottingham.—Pet. f. Dec. 24.

**JOHN FAIRBROTHER**, Hertford, barge master, Jan. 10 at 11, Hertford: Off. Ass. Spence; Sol. Foster, Hertford.—Pet. f. Dec. 21.

**HENRY FELSTED**, Standon, Hertfordshire, out of business, Jan. 3 at 11, Hertford: Off. Ass. Spence; Sol. Foster, Hertford.—Pet. f. Dec. 19.

**RICHARD HEATH**, South Brent, Devonshire, carpenter, Jan. 6 at 11, Totnes: Off. Ass. Bryett; Sol. Fland, Exeter.—Pet. f. Dec. 23.

**JAMES JENKIN**, Redruth, Cornwall, general merchant, Jan. 9 at 11, Redruth: Off. Ass. Peter; Sols. Paul & Linton, Plymouth.—Pet. f. Dec. 23.

**MARY TAYLOR**, Bishopwearmouth, Durham, confectioner, Jan. 7 at 11, Bishopwearmouth: Off. Ass. Marshall; Sol. M'Rae.—Pet. f. Dec. 17.

**ROBERT JOHN MERRY**, Norwich, licensed victualler, Jan. 6 at 12, Norwich: Off. Ass. Palmer; Sol. Rackham, Norwich.—Pet. f. Dec. 21.

**EDWARD DRIVER**, Norwich, clerk in the Norwich Union Fire and Life Insurance Office, Jan. 6 at 12, Norwich: Off. Ass. Palmer; Sol. Bailey, Norwich.

**WILLIAM LAMBERT**, Ardleigh, Essex, butcher, Jan. 11 at 1, Colchester: Off. Ass. the registrar; Sol. Jones, Colchester.—Pet. f. Dec. 24.

**JOHN CROMPTON**, Leek, Staffordshire, grocer, Jan. 7 at 11, Leek: Off. Ass. Bloore; Sol. Tennant, Hanley.—Pet. f. Dec. 23.

**JOHN WILSON**, Hetton-le-Hole, Durham, smith, Jan. 11 at 11, Durham: Off. Ass. Bramwell; Sols. Thompéon & Lisle, Durham.

**GEORGE FORTH**, Hilborough, Norfolk, baker, Jan. 6 at 1, Swaffham: Off. Ass. Sewell; Sol. Walpole, Northwold.—Pet. f. Dec. 19.

**GEORGE MICHELSON**, Gosberton, Lincolnshire, farmer, Jan. 6 at 12, Spalding: Off. Ass. Bonner; Sol. Law, Stamford.—Pet. f. Dec. 21.

**THOMAS DUNCAN FORBES**, Chollerton, Northumberland, grocer, Jan. 11 at half-past 10, Bellingham: Off. Ass. Cook; Sol. Taylor, Hexham.—Pet. f. Dec. 23.

**WILLIAM BOND**, Oxford, college servant, Jan. 10 at 10, Dudley: Off. Ass. Dudley; Sol. Williams, Oxford.—Pet. f. Dec. 19.

**JOHN MELLOR**, Wakefield, Yorkshire, boot maker, Jan. 20 at 3, Wakefield: Off. Ass. Mason; Sol. Gill, Wakefield.—Pet. f. Dec. 23.

**THOMAS BEEBE**, Youlgreave, Derbyshire, shopkeeper, Jan. 7 at 11, Bakewell: Off. Ass. Hubberaty; Sol. Stone, Wirksworth.—Pet. f. Dec. 24.

**ABRAHAM M'GILL**, Whitehaven, Cumberland, plumber, Jan. 8 at 11, Whitehaven: Off. Ass. Hodgkin; Sol. Paitson, Whitehaven.—Pet. f. Dec. 24.

**JOHN JONES**, Chester, furniture broker, Jan. 10 at 2, Chester Castle: Off. Ass. Wason; Sol. Cartwright, Chester.—Pet. f. Dec. 23.

**WILLIAM HALL**, Cheltenham, Gloucestershire, licensed dealer in beer, Jan. 9 at 11, Cheltenham: Off. Ass. Gale; Sol. Marshall, Cheltenham.—Pet. f. Dec. 23.

**RICHARD HOLLINGS**, Bradford, Yorkshire, lithographer, Jan. 21 at half-past 10, Bradford: Off. Ass. Robinson; Sol. Lees, Bradford.—Pet. f. Dec. 10.

**WILLIAM MARSDEN**, Bradford, Yorkshire, beerseller, Jan. 21 at half-past 10, Bradford: Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Dec. 10.

**WILLIAM HULLAH**, Bradford, Yorkshire, tobacconist, Jan. 21 at half-past 10, Bradford: Off. Ass. Robinson; Sol. Hutchinson, Bradford.—Pet. f. Dec. 17.

**WILLIAM BARR**, Eytton, Herefordshire, wheelwright, Jan. 9 at 11, Leominster: Off. Ass. Robinson.

**RICHARD CHINNERY**, Downham, Isle of Ely, Cambridgeshire, cowkeeper, Jan. 9 at 11, Ely: Off. Ass. Hall.

**JOSEPH HORATIO CHARLES HORNER**, Bradford, Yorkshire, solicitor's accountant clerk, Jan. 21 at half-past 10, Bradford: Off. Ass. Robinson; Sols. Terry & Watson, Bradford.—Pet. f. Dec. 13.

**FREDERICK GODBEHERE**, Sheffield, beer-house keeper, Jan. 22 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Dec. 24.

**ROBERT EDWIN THOMAS**, Torquay, Devonshire, leather dealer, Jan. 14 at 11, Newton Abbott: Off. Ass. Pidsley; Sol. Carter, Torquay.—Pet. f. Dec. 24.

## MEETINGS.

*The Rev. John Groomes*, Shalford, Essex, clerk, Jan. 28 at 11, London, last ex.—*Thomas Smyth*, North Brixton, Surrey, lodging-house keeper, Jan. 28 at 11, London, last ex.—*Ambrose Hearn Mugford*, Bronty-place, East-street, Walworth, Surrey, laundryman, Jan. 30 at half-past 11, London, last ex.—*Thos. Grayson*, Southampton-row, Bloomsbury, out of business, Jan. 28 at 1, London, last ex.—*Tessdale Cockell*, Leadenhall-street, City, and Malvern-road, Dalston, Middlesex, printer, Jan. 28 at 11, London, last ex.—*Samuel Youngman*, Albert-villas, Eleonor-road, Hackney, Middlesex, timber merchant, Jan. 28 at half-past 11, London, last ex.—*Charles Beardshaw*, Sherborne-lane, King William-street, City, licensed victualler, Jan. 28 at 12, London, last ex.—*Frederick William Evans*, Union-row, New Kent-road, Surrey, cab driver, Jan. 28 at 12, London, last ex.—*Charles Vandrant*, Stratford, Essex, stationer, Jan. 28 at half-past 12, London, last ex.—*John Mantle Southan*, Newington-causeway, Surrey, clerk, Jan. 28 at 1, London, last ex.—*James M'Bride*, Hackney, Middlesex, chief usher of Worship-street Police Court, Jan. 30 at 11, London, last ex.—*Edward Hardisty*, Leadenhall-market, City, and Bedford-square, Mile-end, victualler, Jan. 30 at 11, London, last ex.—*Wm. Keylock*, Ironmonger-lane, City, commission agent, Jan. 24 at half-past 2, London, last ex.—*Henry Luff*, Lurgashall, Sussex, farmer, Jan. 24 at half-past 1, London, last ex.—*James Morrison*, Greenhithe, Kent, carpenter, Jan. 24 at 2, London, last ex.—*Edward Baron Biggs* and *Henry Pearson Biggs*, Willesden, Middlesex, farmers, Jan. 24 at 3, London, last ex.—*Thomas Davey*, Woodford, Essex, Jan. 31 at 2, London, last ex.—*James Child*, Oxford-square, Paddington, Middlesex, out of business, Jan. 24 at 2, London, last ex.—*John Augustus Crabb*, Knightsbridge, Middlesex; Portman-place, London; and Tunbridge, Kent, watchmaker, Jan. 24 at 2, London, last ex.—*George Barnes*, Newcastle-under-Lyme, Staffordshire, physician, Jan. 20 at 12, Birmingham, last ex.—*Richard Campion* (not *Campron*, as previously advertised) and *Edmund Henry Jones*, Wolverhampton, Staffordshire, chemists, Jan. 27 at 11, Birmingham, last ex.—*Francis Lerebours Gorbell*, Whitechurch, Somersetshire, schoolmaster, Jan. 27 at 11, Bristol, last ex.—*William Barron*, Swansea, Glamorganshire, nurseryman, Jan. 28 at 11, Bristol, last ex.—*E. Jones*, Aberystwith, Cardiganshire, wine merchant, Jan. 28 at 11, Bristol, app. for dis.—*R. Hawkins*, Huntspill, near Bridgwater, Somersetshire, farmer, Jan. 30 at 12, Exeter, last ex.—*A. Dyer*, Corfe Castle, Dorsetshire, surgeon, Jan. 27 at 12, Exeter, last ex.—*John Jackson Newcombe*, Devonport, Devonshire, coach proprietor, Jan. 29 at half-past 12, Plymouth, last ex.—*William Van Trump*, North Petherton, Somersetshire, farmer, Jan. 27 at 12, Exeter, last ex.—*Edward Curtis*, Bloxworth, Dorsetshire, coal merchant, Jan. 23 at 12, Exeter, last ex.—*James Yates*, Leeds, dealer in mungo, Jan. 17 at 11, Leeds, last ex.—*Jos. Booth Arundale*, Pudsey, Yorkshire, cloth manufacturer, Jan. 17 at 11, Leeds, last ex.—*Wm. Nicholson*, Low Harrogate, Yorkshire, baker, Jan. 17 at 11, Leeds, last ex.—*Robt. Scarth*, Morley, Yorkshire, cloth manufacturer, Jan. 17 at 11, Leeds, last ex.—*John Neale*, Doncaster, Yorkshire, wholesale druggist, Jan. 18 at 11, Sheffield, last ex.—*Mark Ball*, Huddersfield, Yorkshire, cloth fuller, Jan. 17 at 11, Leeds, last ex.—*Wm. Hanson*, Ossett, Yorkshire, rag dealer, Jan. 17 at 11, Leeds, last ex.—*Henry Watson*, Rotherham, Yorkshire, stove-grate manufacturer, Jan. 18 at 11, Sheffield, last ex.—*John Crowthor*, Rotherham, Yorkshire, grocer, Jan. 18 at 11, Sheffield, last ex.—*John Richard Tremlett* and *Edward Hill*, Salford, Lancashire, stonemasons, Jan. 17 at 11, Manchester, last ex.—*Mark Bloom*, Manchester, fur-

niture dealer, Jan. 21 at 12, Manchester, last ex.—*Frederick Roberts*, Manchester, engraver, Jan. 15 at 12, Manchester, last ex.—*Robert Booth*, Longsight, near Manchester, packer, Jan. 13 at 12, Manchester, last ex.—*Thomas Rhodes*, Manchester, patent wadding manufacturer, Jan. 13 at 12, Manchester, last ex.—*Joe Peace*, Almondbury, Yorkshire, woollen-cloth weaver, Feb. 13 at 10, Huddersfield, last ex.—*Lyon Brown*, Pembridge, Herefordshire, surveyor, Feb. 13 at 11, Kingston, last ex.—*Joseph Walter Raleigh Baxter*, Emsworth, Southampton, surgeon, Jan. 24 at 11, Portsmouth, last ex.—*Daniel Thomas Spence*, Southsea, Portsea, Hampshire, boatswain, Jan. 24 at 11, Portsmouth, last ex.—*S. L. Phillips*, widow, Gloucester, licensed brewer, Feb. 20 at 10, Gloucester, last ex.—*G. Hadley*, Rowley Regis, Staffordshire, licensed victualler, Feb. 11 at 10, Dudley, last ex.—*H. Knight*, Portsmouth, assistant paymaster, Jan. 24 at 11, Portsmouth, last ex.—*Henry J. Blake*, Portsea, Hampshire, carpenter, Jan. 24 at 11, Portsmouth, last ex.—*T. Harris*, Wolverhampton, out of business, Jan. 10 at 9, Wolverhampton, last ex.—*J. Partridge*, Willenhall, Staffordshire, painter, Jan. 10 at 9, Wolverhampton, last ex.—*John Walleit*, Bilston, Staffordshire, butty miner, Jan. 10 at 9, Wolverhampton, last ex.—*William Smart*, Bilston, Staffordshire, fruiterer, Jan. 10 at 9, Wolverhampton, last ex.—*Thomas Spicer*, Brewwood, Staffordshire, farmer, Jan. 10 at 9, Wolverhampton, last ex.—*Edward Baker*, Willenhall, Staffordshire, butcher, Jan. 10 at 9, Wolverhampton, last ex.—*George Knowles*, Willenhall, Staffordshire, lock manufacturer, Jan. 10 at 9, Wolverhampton, last ex.—*Frederick William Barnes*, Wolverhampton, Staffordshire, dealer in cattle food, Jan. 10 at 9, Wolverhampton, last ex.—*Samuel Holliday*, Pudsey, Yorkshire, coal agent, Jan. 28 at 11, Bradford, last ex.—*David Bolland*, Bowling, Yorkshire, shoemaker, Jan. 28 at 11, Bradford, last ex.—*James Fish*, Little Lever, Lancashire, grocer, Jan. 10 at 1, Little Bolton, last ex.—*Nicholas Heyes*, Bolton, Lancashire, brewer, Jan. 10 at 1, Little Bolton, last ex.—*Thomas Fox*, Great Yarmouth, Norfolk, builder, Jan. 27 at 12, Great Yarmouth, last ex.—*Henry James Butcher*, Great Yarmouth, Norfolk, agent, Jan. 27 at 12, Great Yarmouth, last ex.—*Thomas French*, Gorleston, Suffolk, shopkeeper, Jan. 27 at 12, Great Yarmouth, last ex.—*Thomas Stone*, Reedham, Norfolk, cordwainer, Jan. 27 at 12, Great Yarmouth, last ex.—*Richard Bury*, Little Bolton, Lancashire, finisher, Jan. 24 at 1, Little Bolton, last ex.—*William Currey*, Bolton-le-Moors, Lancashire, photographic artist, Jan. 10 at 1, Little Bolton, last ex.—*William Howe*, Coventry, Warwickshire, builder, Feb. 18 at 3, Coventry, last ex.—*Thomas Scattergood* the younger, Fillongley, Warwickshire, labourer, Feb. 18 at 3, Coventry, last ex.—*Thomas Charles*, Withington, near Manchester, plumber, Jan. 17 at 1, Stockport, last ex.—*George Brown*, Wigan, Lancashire, tailor, Jan. 30 at 9, Wigan, last ex.—*Wm. James Percival*, Althorne, Essex, oyster dredger, Jan. 16 at 11, Maldon, last ex.—*William Finch*, Fyfield, Essex, innkeeper, Jan. 8 at 3, Brentwood, last ex.—*George Harvey*, Leigh, Essex, plumber, Jan. 21 at 11, Rochford, last ex.—*Frederick Nancarrow*, Birmingham, painter, Jan. 17 at 11, Birmingham, ord. of dis.—*Robert Bidgood* and *William Day*, Nottingham, lace makers, Jan. 9 at 11, Nottingham, pr. d.—*James Güller*, Little Marylebone-street, Marylebone, Middlesex, Jan. 15 at half-past 10, London, pr. d.—*Augustus Pickett*, Brighton, Sussex, coal merchant, Jan. 23 at half-past 1, London, last ex.—*Robert George Dean*, Trig-lane, Upper Thames-street, City, lead merchant, Jan. 10 at 11, London, last ex.—*Gabriel Selig*, North-buildings, Finsbury-circus, City, dealer in watches, Jan. 8 at 11, London, aud. ac.—*Richard Jeffries*, Chapel-en-le-Frith, Derbyshire, bleacher, Jan. 16 at 12, Manchester, aud. ac.—*Robert Edmeston* and *Thomas Higham*, Birstal, Yorkshire, stuff manufacturers, Jan. 9 at half-past 10, Leeds, aud. ac.—*Richard Binney* and *Joseph Walker Binney*, Leeds, Yorkshire, stockbrokers, Jan. 9 at half-past 10, Leeds, aud. ac. joint and sep. ests.—*Joseph Whitley*, Leeds, Yorkshire, brassfounder, Jan. 9 at half-past 10, Leeds, aud. ac.—*George Hill*, South Milford, Yorkshire, grocer, Jan. 9 at half-past 10, Leeds, aud. ac.—*James Gray*, Leeds, Yorkshire, joiner, Jan. 9 at half-past 10, Leeds, aud. ac.—*William Martin*, Alfred Phillips Youle, and *William Richardson Roebuck*, Doncaster, Yorkshire, iron manufacturers, Jan. 18 at half-past 10, Sheffield, aud. ac.; at 11, div.—*Thos. Biscoe*, Great James-street, Lisson-grove, Marylebone, Middlesex, leather seller, Jan. 17 at 12, London, div.—*George Hartley*, Sheffield, York-

shire, common brewer, Jan. 18 at 11, Sheffield, div.—*Henry Charles Chown*, Sheffield, Yorkshire, shoe dealer, Jan. 18 at 11, Sheffield, div.—*William Scott*, Bilston, Staffordshire, builder, Jan. 10 at 9, Wolverhampton, last ex.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Gabriel Selig*, North-buildings, Finsbury-circus, City, dealer in watches, Jan. 17 at 11, London.—*Hugo Dulles*, Fore-street, Cripple-gate, City, general merchant, Jan. 17 at 1, London.—*George Penton*, Basingstoke, Hampshire, maltster, Jan. 22 at 1, London.—*Thomas Stinchcombe*, Cloth-fair, City, woollendrapers, Jan. 22 at 11, London.—*William Butterfield* and *James Butterfield*, Tunstall, Staffordshire, earthenware manufacturers, Jan. 24 at 11, Birmingham.—*James Gray*, Leeds, Yorkshire, joiner, Jan. 24 at 11, Leeds.—*Henry Hartley*, Halifax, Yorkshire, merchant, Jan. 17 at 11, Leeds.—*William Proctor*, Leeds, Yorkshire, joiner, Feb. 28 at 11, Leeds.—*Edward William Rudgard*, Rudgard, Lincoln, maltster, Jan. 15 at 12, Kingston-upon-Hull.

#### ORDER OF DISCHARGE.

*To be granted, unless an Appeal be duly entered.*

*Lewis Low Whittle*, Bolton, Lancashire, cheese factor.

#### PARTNERSHIP DISSOLVED.

*William Henry Cullen* and *John William Marsh*, High-street, Poplar, Middlesex, attorneys-at-law and solicitors.

TUESDAY, Dec. 31, 1861.

#### BANKRUPTS.

**JAMES PEARCE LIDGOLD**, Kingston, Surrey, butcher (a prisoner in Horse-monger-lane Gaol), Jan. 15 at 11, London: Off. Ass. Bell.—Pet. f. Dec. 28.

**WILLIAM OCTAVIUS HUSTLER**, Halstead, Essex, attorney's clerk (a prisoner in Springfield Gaol), Jan. 16 at 11, London: Off. Ass. Bell; Sols. Digby & Son, Chancery-lane.—Pet. f. Dec. 28.

**HENRY TYLER**, Harwich, Essex, hotel keeper, Jan. 15 at half-past 11, London: Off. Ass. Johnson; Sol. Jones, Colchester.—Pet. f. Dec. 30.

**ROBERT ALLCOCK**, Upper John-street, Fitzroy-square, Middlesex, general dealer, Jan. 15 at half-past 11, London: Off. Ass. Johnson; Sol. Hill, Basinghall-street.—Pet. f. Dec. 30.

**AUGUSTUS WELLS**, King William-street, City, fishmonger, Jan. 14 at 10, London: Off. Ass. Cannan; Sols. Treherne & Wolferstan, 17, Gresham-street.—Pet. f. Dec. 24.

**SELBY LE VERE SPENCER**, Hanover-street, Pimlico, Middlesex, clerk in the Admiralty, Jan. 14 at 12, London: Off. Ass. Cannan; Sol. Mossop, Moorgate-street.—Pet. f. Dec. 28.

**CHARLES BURCHER**, Havant, Hampshire, tailor, Jan. 14 at 11, London: Off. Ass. Cannan; Sols. Stening, Portsea; Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Pet. f. Dec. 28.

**JOSIAH TIMMIS**, Bridge-street, Westminster, Middlesex, lime dealer (trading with Sweetman & Paddon, under the firm of Sweetman, Paddon, & Co.), Jan. 14 at 11, London: Off. Ass. Cannan.

**JOHN WILLIAM CLUNNE**, Gravesend, Kent, licensed victualler, Jan. 14 at 11, London: Off. Ass. Cannan.

**WILLIAM STIDOLPH**, Greenwich, Kent, Jan. 14 at 11, London: Off. Ass. Cannan.

**SAMUEL FLEXON**, High Wycombe, Buckinghamshire, printer, Jan. 14 at half-past 11, London: Off. Ass. Pennell; Sol. Ley, 44, Lincoln's-inn-fields.—Pet. f. Dec. 26.

**WILLIAM GEORGE DOCKING**, Cannon-street West, City, cloth merchant, Jan. 14 at 1, London: Off. Ass. Pennell; Sol. Solomon, 54, Coleman-street, London.—Pet. f. Dec. 19.

**THOMAS OWEN**, Prebend-street, Islington, Middlesex, dealer in building materials (a prisoner in the Debtors Prison for London and Middlesex), Jan. 14 at 11, London: Off. Ass. Pennell.

**DAVID ROACH**, Leicester-street, Leicester-square, Middlesex (a prisoner in the Queen's Prison), Jan. 14 at 11, London: Off. Ass. Pennell.

**THOMAS BECKENSALE KING** the younger, Northampton, clothier, Jan. 14 at half-past 1, London: Off. Ass. Graham; Sols. Sale & Co., Manchester; Reed, 3, Gresham-street, London.—Pet. f. Dec. 20.

- HENRY FREDERICK WILLIAM TARNER**, Holborn-hill, City, watchmaker, Jan. 11 at 12, London: Off. Ass. Graham; Sol. Bartley, 4, Bartlett's-buildings, Holborn.—Pet. f. Dec. 24.
- JOHN SABIN**, West-street and Little St. Andrew's-street, St. Giles, Middlesex, wire worker (a prisoner in the Debtors Prison for London), Jan. 11 at 1, London: Off. Ass. Graham; Sol. Holt, Quality-court, Chancery-lane.—Pet. f. Dec. 28.
- THOMAS GARDINER**, Leadenhall-street, City, East India merchant (carrying on business with George Raphael, under the style of Raphael, Gardiner, & Co.), Jan. 15 at 11, London: Off. Ass. Graham; Sol. Hill, 23, Throgmorton-street.—Pet. f. Dec. 30.
- HENRY DAVID GLEN**, Knightsbridge, Middlesex, managing the business of a licensed victualler, Jan. 14 at half-past 12, London: Off. Ass. Stansfeld; Sol. Marshall, 12, Hatton-garden.—Pet. f. Dec. 27.
- HENRY CUMING**, London-street and Hampstead-street, Fitzroy-square, Middlesex, licensed auctioneer (a prisoner in the Debtors Prison for London and Middlesex), Jan. 11 at half-past 12, London: Off. Ass. Stansfeld; Sol. Holt, 7, Quality-court, Chancery-lane.—Pet. f. Dec. 27.
- GEORGE GUBBY** the elder, Chelsea, Middlesex, timber dealer (a prisoner in the Debtors Prison for London and Middlesex), Jan. 15 at half-past 11, London: Off. Ass. Stansfeld.—Pet. f. Dec. 30.
- CHARLES LEECH**, Judd-street, St. Pancras, Middlesex, corn merchant, Jan. 14 at 11, London: Off. Ass. Edwards; Sol. Eaden, 9, Gray's-inn-square.—Pet. f. Dec. 24.
- ALBERT EDWARD GAUNTLETT**, Euston-road, St. Pancras, Middlesex, poulterer, Jan. 15 at 10, London: Off. Ass. Edwards; Sols. Wallinger & Miller, 5 and 6, Sherborne-lane, City.—Pet. f. Dec. 24.
- JAMES FANCOURT**, Cardigan-road, Old Ford, Bow, Middlesex, licensed victualler, Jan. 15 at 10, London: Off. Ass. Edwards; Sol. Leader, 75, Berners-street, Oxford-street.—Pet. f. Dec. 24.
- EDWARD SNOW** and **HENRY SNOW**, Birmingham, seed merchants, Jan. 24 at 12, Birmingham: Off. Ass. Kinnear; Sols. James & Knight, Birmingham; Hawkes & Willmott, 82, High-street, Southwark, London.—Pet. f. Dec. 24.
- JAMES KNIVETON**, Longton, Staffordshire, clothier (trading under the style or firm of Kniveton & Co.), Jan. 20 at 12, Birmingham: Off. Ass. Kinnear; Sols. Litchfield, Newcastle-under-Lyme; James & Knight, Birmingham.—Pet. f. Dec. 30.
- EMANUEL CORNBILL**, Oldswinford, Worcestershire, out of business, Jan. 20 at 12, Birmingham: Off. Ass. Kinnear; Sol. Maltby, Dudley.—Pet. f. Dec. 30.
- SAMUEL HOLLIER**, Warwick, licensed victualler, Jan. 15 at 12, Birmingham: Off. Ass. Whitmore; Sols. Sherwood, Leamington; Hodgson & Allen, Birmingham.—Pet. f. Nov. 7.
- JEREMIAH HOULSTON**, New Hadley, Wellington, Shropshire, grocer, Jan. 15 at 12, Birmingham: Off. Ass. Whitmore; Sol. Glover, Walsall.—Pet. f. Dec. 27.
- NAPHTHALI HERZ**, Nottingham, cigar merchant, Jan. 14 at 11, Nottingham: Off. Ass. Harris; Sol. Fitter, Birmingham.—Pet. f. Dec. 26.
- THOMAS WATERS**, Nottingham, linendraper, Jan. 14 at 11, Nottingham: Off. Ass. Harris; Sols. Brown, Nottingham; Wright, Birmingham.—Pet. f. Dec. 30.
- EDWARD HUTCHINS**, Bristol, attorney, Jan. 14 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Co., Bristol.—Pet. f. Dec. 27.
- EDWIN POWNING**, Kenwyn, Cornwall, miller, Jan. 14 at 12, Exeter: Off. Ass. Hirtzel; Sols. Stokes, Truro; Turner & Hirtzel, Exeter.—Pet. f. Dec. 16.
- WILLIAM WILLOTT**, Scarborough, Yorkshire, out of business, Jan. 10 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. f. Dec. 26.
- CHARLES JACKSON**, Sheffield, Yorkshire, baker, Jan. 11 at 11, Leeds: Off. Ass. Young.
- WILLIAM HENRY NAYLOR**, Sheffield, Yorkshire, auctioneer, Jan. 11 at 11, Sheffield: Off. Ass. Young; Sols. Branson & Son, Sheffield.—Pet. f. Dec. 14.
- SAMUEL GEORGE BROOMHEAD**, Liverpool, butcher, Jan. 9 at 11, Liverpool: Off. Ass. Turner; Sol. Ety, Liverpool.—Pet. f. Dec. 26.
- JOHN VAUX**, Sheffield, Yorkshire, cabinet maker, Jan. 11 at 11, Sheffield: Off. Ass. Young.
- WILLIAM WHITBY**, Liverpool, commission agent, Jan. 15 at 11, Liverpool: Off. Ass. Turner; Sols. Harris, Liverpool.
- PETER ANDERHUB**, Manchester, fancy-purse maker, Jan. 11 at 11, Manchester: Off. Ass. Fraser; Sol. Eltoft, Manchester.—Pet. f. Dec. 21.
- THOMAS COOPER** and **THOMAS SINCLAIR**, Pemberton, Lancashire, tallow chandlers (carrying on business under the style or firm of Thomas Cooper & Co., and formerly carrying on business at Pemberton, under the style or firm aforesaid, with Thomas Fletcher), Jan. 9 at 12, Liverpool: Off. Ass. Bird; Sol. Hinnell, Bolton.—Pet. f. Dec. 26.
- WALTER SHEPPARD**, Manchester, auctioneer, Jan. 11 at 12, Manchester: Off. Ass. Hernaman; Sol. Lamb, Manchester.—Pet. f. Dec. 28.
- SAMUEL BEVAN**, Dukinfield, Cheshire, ironmonger, Jan. 10 at 1, Manchester: Off. Ass. Hernaman; Sol. Grundy, Manchester.—Pet. f. Dec. 26.
- WILLIAM BROWN**, Sunderland, Durham, shoe dealer, Jan. 15 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Potts & Scarisbrick, Sunderland.—Pet. f. Dec. 20.
- THOMAS SHORE**, Birmingham, retail brewer, Jan. 24 at 10, Birmingham: Off. Ass. Guest; Sols. Powell & Son, Birmingham.—Pet. f. Dec. 27.
- MESHACH CLEMENT**, Bristol, corn dealer, Jan. 17 at 12, Bristol: Off. Ass. Harley & Gibbs; Sol. Hill.
- RICHARD WHITEFORD**, Everton, Lancashire, out of employment, Jan. 14 at 3, Liverpool: Off. Ass. Hime; Sol. Grocott, Liverpool.—Pet. f. Dec. 27.
- GEORGE GORDON**, Liverpool, farrier, Jan. 15 at 3, Liverpool: Off. Ass. Hime; Sol. Anderson, Liverpool.—Pet. f. Dec. 30.
- JOHN YOUNG DARLING RUTHERFORD** (trading under the name of John Rutherford only), Hulme, Manchester, tailor, Jan. 13 at 10, Salford: Off. Ass. Hulton; Sol. Swan, Manchester.—Pet. f. Dec. 28.
- HENRY COHEN**, Sunderland, Durham, jeweller, Jan. 15 at 2, Bishopwearmouth: Off. Ass. Marshall; Sol. M'Rae, Sunderland.—Pet. f. Dec. 26.
- JOHN HENEY**, Great Yarmouth, Norfolk, licensed hawkier, Jan. 15 at 12, Great Yarmouth: Off. Ass. Palmer; Sol. Culley, Norwich.—Pet. f. Dec. 24.
- GEORGE BROWN**, Seacroft, near Leeds, Yorkshire, farm labourer, Jan. 16 at 11, Leeds: Off. Ass. Sangster; Sol. Harle.—Pet. f. Dec. 27.
- SAMUEL RAYNER**, Leeds, Yorkshire, tailor, Jan. 15 at 12, Leeds: Off. Ass. Sangster; Sols. G. A. & W. Emsley.—Pet. f. Dec. 27.
- JAMES PROFFITT**, Oldridge, Staffordshire, saddler, Jan. 14 at 10, Walsall: Off. Ass. Clarke; Sol. Jackson, West Bromwich.
- HAM READ** (known, sued, and trading as **WILLIAM READ**), Birmingham, out of business, Jan. 14 at 1, Walsall: Off. Ass. Clarke; Sols. East & Parry, Birmingham.
- THOMAS MURRELLS**, Beak-street, Westminster, Middlesex, assistant to a dealer in foreign fancy goods, Jan. 15 at 10, Brighton: Off. Ass. Evershed; Sol. Lamb, Brighton.—Pet. f. Dec. 27.
- THOMAS HUNT**, Stonesfield, Oxfordshire, shoemaker, Jan. 15 at 1, Woodstock: Off. Ass. Hawkins; Sol. Thompson, Oxford.—Pet. f. Dec. 28.
- ELIJAH GROVE** the younger, Kidderminster, Worcestershire, butcher, Jan. 15 at half-past 2, Kidderminster: Off. Ass. Talbot; Sol. Crowther, Kidderminster.—Pet. f. Dec. 28.
- ELISE DE NEUVILLE**, Sheffield, Yorkshire, professor of languages, Jan. 22 at 12, Sheffield: Off. Ass. Wake & Rodgers; Sol. Broadbent, Sheffield.—Pet. f. Dec. 28.
- WILLIAM LONGMAN**, Exeter, mason, Jan. 11 at 11, Exeter: Off. Ass. Daw; Sol. Floud, Exeter.—Pet. f. Dec. 28.
- JOHN TURNER**, Ipswich, Suffolk, butcher, Jan. 6 at 11, Ipswich: Off. Ass. Pretymann; Sol. Moore, Ipswich.—Pet. f. Dec. 23.
- WILLIAM MALCOLM WATKINSON**, Kidderminster, Worcestershire, fellmonger, Jan. 15 at half-past 2, Kidderminster: Off. Ass. Talbot; Sol. Crowther, Kidderminster.—Pet. f. Dec. 27.



**THOMAS ELLIS**, Ellesmere, Shropshire, painter, Jan. 13 at 11, Oswestry: Off. Ass. Croxon; Sol. Randles, Ellesmere.—Pet. f. Dec. 19.

**WILLIAM FARMER**, Solihull, Warwickshire, car proprietor, Jan. 7 at 10, Solihull: Off. Ass. Harding; Sols. East & Parry, Birmingham.—Pet. f. Dec. 24.

**CHARLES CARTLIDGE**, Leek, Staffordshire, weaver, Jan. 11 at 11, Leek: Off. Ass. Bloore; Sol. Tennant, Hanley.—Pet. f. Dec. 27.

**GILES WILLIAMS**, Llanwornno, Glamorganshire, haulier, Jan. 14 at 11, Aberdare: Off. Ass. Rees; Sol. Forwood, Merthyr Tydvil.—Pet. f. Dec. 26.

**JOSEPH EVERIT**, Wolverhampton, Staffordshire, lock manufacturer, Jan. 10 at 9, Wolverhampton: Off. Ass. Brown; Sol. Slater, Darlaston.

**HENRY HUBSDELL**, Gosport, Hampshire, labourer, Jan. 23 at 11, Portsmouth: Off. Ass. Howard; Sol. Paffard, Portsea.—Pet. f. Dec. 27.

**JOSEPH HOUGH**, Atlow, Derbyshire, farmer, Jan. 10 at 11, Ashborne: Off. Ass. Hubbersty; Sol. Holland, Ashborne.—Pet. f. Dec. 18.

**WILLIAM CARTWRIGHT**, Stoke-upon-Trent, Staffordshire, grocer, Jan. 11 at 11, Stoke-upon-Trent: Off. Ass. Keary; Sol. Litchfield.—Pet. f. Dec. 27.

**JOSEPH FURNIVALL**, Ecclesfield, Southport, Lancashire, painter, Jan. 16 at 3, Ormakirk: Off. Ass. Welsby; Sol. Dodd, Liverpool.—Pet. f. Dec. 24.

**EUSEBY PEARSON**, Keysoe, Bedfordshire, farmer, Jan. 10 at 11, Bedford: Off. Ass. Hinrich; Sol. Conquest, Bedford.—Pet. f. Dec. 27.

**CHARLES TATLER**, Hanley, Staffordshire, licensed victualler, Jan. 14 at 11, Hanley: Off. Ass. Challinor; Sol. Litchfield, Newcastle-under-Lyme.—Pet. f. Dec. 24.

**THOMAS PARKS**, Tunstall, Staffordshire, butcher, Jan. 14 at 11, Hanley: Off. Ass. Challinor; Sol. Sutton, Burslem.—Pet. f. Dec. 24.

**JOHN FOULKE**, Crich Carr, Derbyshire, labourer, Jan. 18 at 1, Alfreton: Off. Ass. the registrar; Sol. Walker, Belper.—Pet. f. Dec. 26.

**WILLIAM GEORGE**, Ripley, Derbyshire, shoemaker, Jan. 18 at 1, Alfreton: Off. Ass. the registrar; Sol. Walker, Belper.—Pet. f. Dec. 26.

**ENOCH FOX**, Riddings, Derbyshire, shoemaker, Jan. 18 at 1, Alfreton: Off. Ass. the registrar; Sol. Walker, Belper.—Pet. f. Dec. 26.

**BENJAMIN FORSTER**, Cardiff, Glamorganshire, tailor, Jan. 13 at 11, Cardiff: Off. Ass. Langley; Sol. Wilcocks, Cardiff.—Pet. f. Dec. 28.

**WILLIAM HORSFALL**, Huddersfield, Yorkshire, inn-keeper, Jan. 16 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Dransfield, Huddersfield.—Pet. f. Dec. 21.

**JOSES RICHARD THORNTON**, Huddersfield, Yorkshire, auctioneer, Jan. 30 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Freeman, Huddersfield.—Pet. f. Dec. 21.

**JOHN NORTH** the elder, Huddersfield, Yorkshire, beer retailer, Jan. 30 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Leadbeater, Huddersfield.—Pet. f. Dec. 20.

**DARIUS HAIGH**, Huddersfield, Yorkshire, coal merchant, Jan. 30 at 10, Huddersfield: Off. Ass. Jones, jun.; Sol. Leadbeater, Huddersfield.—Pet. f. Dec. 21.

#### MEETINGS.

*Joshua Towns*, Cross-street North, Bermondsey, Surrey, carman, Feb. 1 at half-past 11, London, last ex.—*Joshua Hopkins* and *Henry Hackett*, Banbury, Oxfordshire, builders, Feb. 1 at 12, London, last ex.—*Henry Holland*, Brighton, Sussex, out of business, Feb. 1 at 12, London, last ex.—*C. Utting*, Park-street, Camberwell, Surrey, short-hand writer, Jan. 30 at half-past 12, London, last ex.—*Edward Gill*, Walthamstow, Essex, omnibus proprietor, Jan. 30 at 12, London, last ex.—*Edgar W. Yarrow*, Arundel-square, Islington, Middlesex, mercantile clerk, Jan. 28 at 1, London, last ex.—*Joseph Temple*, Mortlake, Surrey, grocer, Jan. 30 at 1, London, last ex.—*James Frankland*, Commercial-road East, Middlesex, schoolmaster, Jan. 28 at half-past 1, London, last ex.—*Robert W. Wilcox*, Caledonian-road, Middlesex, optician, Jan. 30 at half-past 1, London, last ex.—*J. Roebuck*, Woburn, Bedfordshire, baker, Jan. 30 at 11, London, last ex.—*Henry Bond*, Fressingfield, Suffolk, grocer, Jan. 30 at 2, London, last ex.—*John Moslin*, Great Windmill-street, Haymarket, Middlesex, saddler, Feb. 1 at 11, London, last ex.—

*S. Palmer*, Oak-village, Kentish-town, Middlesex, printer, Jan. 11 at half-past 11, London, last ex.—*William Henry Graves*, Northwold, near Brandon, Norfolk, ironmonger, Feb. 1 at 11, London, last ex.—*Charles Hunt*, Spring-street, Paddington, Middlesex, house decorator, Feb. 1 at half-past 11, London, last ex.—*George Bonnell*, Richmond, Surrey, and Strand, Middlesex, commission agent, Feb. 1 at half-past 12, London, last ex.—*James Mattheus*, Edward-terrace, Caledonian-road, Middlesex, hosier, Jan. 30 at 11, London, last ex.—*Norman Bruce*, Staines, Middlesex, dealer in tobacco, Jan. 23 at 11, London, last ex.—*Jesse C. Moore*, Little Tower-street, City, wholesale tea dealer, Jan. 30 at 12, London, last ex.—*Corbett Holland*, Langley, near Slough, Buckinghamshire, gentleman, Jan. 30 at 11, London, last ex.—*Gustavus H. Lillie*, Dames-street, Islington, Middlesex, clerk to a tallow broker, Jan. 24 at 11, London, last ex.—*Thomas Boulter*, Cromer, Norfolk, in no business, Jan. 22 at 3, London, last ex.—*James N. Champion*, Aberystwith-terrace, Islington, Middlesex, house decorator, Jan. 22 at 1, London, last ex.—*Felix O'Hanlon*, Brompton, Middlesex, licensed hawk, Jan. 22 at half-past 1, London, last ex.—*Wm. Mannall*, Melton, Suffolk, corn chandler, Jan. 22 at 11, London, last ex.—*Edward Carnell*, Tunbridge Wells, Kent, attorney-at-law, Jan. 22 at 2, London, last ex.—*Edward Forsdyke* the younger, Great Ormond-yard, Queen-square, Middlesex, Jan. 22 at half-past 12, London, last ex.—*George Webb*, Brompton, Middlesex, Jan. 22 at 12, London, last ex.—*Andrew R. Mustard*, White Conduit-terrace, Park-road, Islington, Middlesex, baker, Feb. 7 at 12, London, last ex.—*John Smith*, St. Paul's-road, Walworth, Surrey, out of business, Jan. 28 at 2, London, last ex.—*Frederick Blenham*, Manchester, Feb. 4 at 3, London, last ex.—*William Thomas Dairy*, Bruton-street, Berkeley-square, Middlesex, Feb. 4 at 1, London, last ex.—*William Duncan*, High-street, Bloomsbury, Middlesex, eating-house keeper, Feb. 18 at 1, London, last ex.—*Stephen Vincent Folch*, Cannon-row, Westminster, Feb. 18 at 12, London, last ex.—*Robert Elliott Lamplough*, Capland-street, Lisson-grove, Middlesex, solicitor, Feb. 7 at 11, London, last ex.—*Samuel Orbell Kingsbury*, Great Oakley, Essex, baker, Feb. 18 at 1, London, last ex.—*Joseph Webb*, Emneth, Norfolk, Feb. 7 at 1, London, last ex.—*John Hoare*, Piccadilly, Middlesex, tobacconist, Feb. 18 at 12, London, last ex.—*Peter Morrison*, Pall-mall East, Southampton-street, Strand, and Rochester-square, Hyde-park, Middlesex, banker, Feb. 18 at 2, London, last ex.—*James Powell*, Mitcham, Surrey, printer, Feb. 11 at 12, London, last ex.—*Samuel Rogers*, London-street, Paddington, Middlesex, corn dealer, Feb. 11 at 12, London, last ex.—*Albert Wilkins*, Borough-road, Southwark, architect, Feb. 11 at 3, London, last ex.—*Robert Knight Blunsom*, Thrapstone, Northamptonshire, commercial traveller, Feb. 11 at 2, London, last ex.—*George Reaney*, Smith-street, Clerkenwell, and Goswell-street, St. Luke's, Middlesex, cutler, Feb. 11 at 1, London, last ex.—*Joseph Lush*, Angelsea-yard, Haymarket, Middlesex, carman, Feb. 11 at 3, London, last ex.—*Thomas Moore*, Goodman's-yard, Minories, City, wheelwright, Feb. 11 at 1, London, last ex.—*Robert Morrison*, Upper Gloucester-street, Dorset-square, Middlesex, clerk in the Audit Office, Feb. 7 at 12, London, last ex.—*Edward Charles Peagam*, Bicester, Oxfordshire, attorney, Feb. 11 at 2, London, last ex.—*Kaufman Kaufman*, Cannon-street-road, St. George-in-the-East, Middlesex, slipper manufacturer, Feb. 7 at 1, London, last ex.—*Thomas Daly*, Woolwich, Kent, blacksmith, Feb. 7 at 1, London, last ex.—*William Alexander Law*, Mercer's-terrace, Stepney, Middlesex, commercial traveller, Feb. 7 at 2, London, last ex.—*Richard Chalkin* the younger, Forest-hill, Kent, carrier, Feb. 4 at 2, London, last ex.—*George Sparrow*, Compton-st., Brunswick-square, Middlesex, eating-house keeper, Feb. 7 at 12, London, last ex.—*Wm. White*, St. Matthew's-place, Hackney-road, Middlesex, haberdasher, Feb. 7 at 11, London, last ex.—*Henry Atkins*, Harrow-road, Paddington, Middlesex, carpenter, Feb. 4 at 1, London, last ex.—*John Longworth Clarke*, Moorgate-street, City, and Eastbourne-terrace, Hyde-park, Middlesex, attorney-at-law, Feb. 4 at 2, London, last ex.—*Henry Ashdown*, Woolwich, Kent, confectioner, Jan. 28 at 1, London, last ex.—*George T. B. Claydon*, Albert-street, Mornington-crescent, Middlesex, merchant, Jan. 28 at 2, London, last ex.—*Edward Calvert Arnehan Haworth*, Elizabeth-st., Eaton-square, Pimlico, esquire, Jan. 28 at 1, London, last ex.—*Samuel Marriott*, Greenwich, Kent, and Southwark-bridge-road, Surrey,



smith, Jan. 28 at 1, London, last ex.—*John Thomas Hall*, Holywell-lane, Shoreditch, Middlesex, general dealer, Jan. 29 at 1, London, last ex.—*Francis Deacon Wilson*, Trafalgar-road, Old Kent-road, Surrey, accountant, Jan. 29 at half-past 1, London, last ex.—*Robert M'Kenzie*, Cecil-street, Strand, Middlesex, out of business, Jan. 29 at 2, London, last ex.—*Philipp Eckhaus*, Gresham-street and New-street, Bishopsgate, City, importer of jewellery, Jan. 28 at 12, London, last ex.—*William Paine*, Tisbury, near Godstone, Surrey, farmer, Jan. 28 at half-past 1, London, last ex.—*John Rolfe*, Gerrard-street, Soho, Middlesex, licensed victualler, Jan. 28 at 2, London, last ex.—*John Morgan*, West-street, Commercial-road, Pimlico, joiner, Jan. 28 at half-past 12, London, last ex.—*M. Leach*, Wiesbech St. Peter, Cambridgeshire; New London-street, City; and Compton-street, Islington, Middlesex, wine merchant, Jan. 29 at 12, London, last ex.—*Edwin Jarvis*, Registrar's Office, Chancery-lane, Jan. 28 at half-past 12, London, last ex.—*Richard Emberlin*, Windsor-terrace, City-road, commercial traveller, Jan. 28 at 11, London, last ex.—*Geo. Heathcott*, Fitzroy-terrace, Haverstock-hill, Middlesex, builder, Jan. 28 at 3, London, last ex.—*Wm. H. Smith*, Commercial-road East, Middlesex, Jan. 28 at half-past 11, London, last ex.—*Wm. Ward*, Coventry, Warwickshire, ribbon manufacturer, Jan. 27 at 11, Birmingham, last ex.—*A. Worrall*, Dudley, Worcestershire, architect, Jan. 27 at 11, Birmingham, last ex.—*Samuel Wm. L. Tichborne*, Wolverhampton, Staffordshire, commission agent, Jan. 27 at 11, Birmingham, last ex.—*James Hills*, Bloxwich, Staffordshire, victualler, Jan. 27 at 11, Birmingham, last ex.—*Edw. Bugfield*, Leeds, cloth manufacturer, Jan. 21 at 11, Leeds, last ex.—*Henry Bentley*, Birstal, Yorkshire, woollen-clothing manufacturer, Jan. 21 at 11, Leeds, last ex.—*Wilson Riley*, Todmorden, Yorkshire, tailor, Jan. 21 at 11, Leeds, last ex.—*Edwin Wyatt*, Dwygylchi, Carnarvonshire, hotel keeper, Jan. 24 at half-past 11, Liverpool, last ex.—*William Johns*, Derby, Lancashire, commercial traveller, Jan. 24 at 1, Liverpool, last ex.—*William Hughes Yeoward*, Liverpool, shipbroker, Jan. 15 at 11, Liverpool, last ex.—*W. Tassell*, Liverpool, hoister and outfitter, Jan. 24 at 12, Liverpool, last ex.—*Edward Wheeler Lawrence*, Liverpool, auctioneer, Jan. 24 at 11, Liverpool, last ex.—*Richard Russell*, Liverpool, lithographic printer, Jan. 24 at 1, Liverpool, last ex.—*John Walker*, Hulme, Lancashire, bookkeeper, Jan. 11 at 11, Manchester, last ex.—*Charles Edmund Meredith*, Manchester, law stationer, Jan. 18 at 12, Manchester, last ex.—*A. Wardleworth*, Crumpsall, near Manchester, dyer, Jan. 17 at 12, Manchester, last ex.—*Thomas Wallworth*, Manchester, baker, Jan. 17 at 12, Manchester, last ex.—*James Groome*, Ardwick, Manchester, millwright, Jan. 31 at 12, Manchester, last ex.—*Thomas Kingston*, Manchester, watchmaker, Jan. 31 at 12, Manchester, last ex.—*Thos. Haild*, Manchester, job dyer, Jan. 31 at 12, Manchester, last ex.—*James Duffy*, Manchester, chairmaker, Jan. 31 at 12, Manchester, last ex.—*Wm. Rawlings*, Peterborough, Northamptonshire, agent for the sale of flour, Jan. 20 at 2, Peterborough, last ex.—*John Jamblin the younger*, Fletton, Huntingdonshire, photographic artist, Jan. 20 at 2, Peterborough, last ex.—*Frederick Adams*, Peterborough, Northamptonshire, hairdresser, Jan. 20 at 2, Peterborough, last ex.—*Robert Gascoyne*, Peterborough, Northamptonshire, cattle dealer, Jan. 20 at 2, Peterborough, last ex.—*Richard Williams*, Pen-y-coedcar, Llantrissant, Glamorganshire, beer retailer, Jan. 14 at 11, Pontypridd, last ex.—*Robert John Waugh*, Lanchester, Durham, publican, Jan. 20 at 11, Durham, last ex.—*Sampson Smith*, Rushall, Staffordshire, licensed victualler, Jan. 16 at 10, Walsall, last ex.—*Henry Marlow*, Walsall, Staffordshire, collar maker, Jan. 15 at 10, Walsall, last ex.—*Geo. Henry Usher*, Carlisle, photographic artist, Jan. 10 at 9, Keswick, last ex.—*Wm. Gough*, Gloucester, out of business, Feb. 20 at 10, Gloucester, last ex.—*Richard Mills*, Sedgley, Staffordshire, beer-house keeper, Feb. 11 at 10, Dudley, last ex.—*John Mills*, Dudley, Worcestershire, baker, Feb. 11 at 10, Dudley, last ex.—*Thomas Gould*, Rowley Regis, Staffordshire, butcher, Feb. 11 at 10, Dudley, last ex.—*Samuel Moore*, Lowestoft, Suffolk, fish merchant, Jan. 23 at 11, Lowestoft, last ex.—*Saul Barnes*, Lowestoft, Suffolk, shoemaker, Jan. 23 at 11, Lowestoft, last ex.—*John Ward*, Escomb, Durham, boot maker, Jan. 24 at 10, Bishop Auckland, last ex.—*Wm. Fletcher*, Liverpool, in no business, Jan. 10 at 10, Lancaster, last ex.—*Robert Baker*, Ashford, Kent, boot maker, Jan. 13 at 10, Ashford, last ex.—*William*

*Sladden*, Maldstone, Kent, out of business, Jan. 14 at 11, Tenterden, last ex.—*Thomas Vickers*, Haxey, Lincolnshire, farming bailiff, Jan. 13 at 9, Gainsborough, last ex.—*Wm. Culley*, West Stockwith, Nottinghamshire, innkeeper, Jan. 13 at 9, Gainsborough, last ex.—*J. D. Fell*, Gainsborough, Lincolnshire, innkeeper, Jan. 13 at 9, Gainsborough, last ex.—*D. Cooper*, Gainsborough, Lincolnshire, baker, Jan. 13 at 9, Gainsborough, last ex.—*J. Wright*, Scarborough, Yorkshire, commission agent, Jan. 14 at 11, York, last ex.—*John Pattison*, Gateshead, Durham, farmer, Jan. 20 at 12, Gateshead, last ex.—*Henry Clode*, Torquay, Devonshire, cabinet maker, Feb. 15 at 11, Newton Abbot, last ex.—*H. Thos. Pageley Weland*, Torquay, Devonshire, livery-stable keeper, Feb. 15 at 11, Newton Abbot, last ex.—*Christopher Inch*, Torquay, Devonshire, cab proprietor, Feb. 17 at 11, Newton Abbot, last ex.—*S. Clarke*, Torquay, Devonshire, fruiterer, Feb. 15 at 11, Newton Abbot, last ex.—*George Redfearn*, Leeds, Yorkshire, butcher, Jan. 24 at 12, Leeds, last ex.—*Thomas Umpleby*, Burley-lawn, near Leeds, Yorkshire, cattle dealer, Jan. 21 at 12, Leeds, last ex.—*T. Allwood*, Pembroke Dock, Pembrokeshire, dealer in toys, Jan. 27 at 10, Pembroke, last ex.—*William Giles*, Padstow, Cornwall, sawyer, Jan. 17 at 11, St. Columb, last ex.—*David Fenner*, Sheerness, Kent, licensed dealer in beer, Jan. 21 at 11, Sheerness, last ex.—*James Coomber*, Cliffe, near Rochester, Kent, labourer, Jan. 8 at 12, Rochester, last ex.—*Richard Smith the elder*, Hoo, Kent, land surveyor, Jan. 8 at 12, Rochester, last ex.—*John Giles*, Ringlestone, near Hollingbourne, Kent, licensed victualler, Jan. 15 at 10, London, pr. d.—*Wm. Wood*, Leeds, Yorkshire, butcher, Jan. 9 at 11, Leeds, div.—*Robert Freeland*, Manchester, and *John Freeland*, Kirkintilloch, Dumbarton, Scotland, merchants, Jan. 15 at 12, Manchester, aud. ac. joint est., and aud. ac. sep. est. of *John Freeland*; Jan. 22 at 12, div. joint est., and div. sep. est. of *John Freeland*.—*George Pinkerton* and *E. Hawkins*, Great St. Helens, City, metal brokers, Jan. 22 at 11, London, div.—*Emanuel Paracelsus Hollingshead*, Cheltenham, Gloucestershire, tailor, Jan. 30 at 11, Bristol, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Ludwig Woldemar Kretzschmar*, Duke-street, Bloomsbury, Middlesex, manufacturing jeweller, Jan. 29 at 12, London.—*Jas. Nickoll* and *Robert Frazer North*, Bishopsgate-street Within, tallow brokers, Jan. 22 at 12, London.—*Wm. Whiteside* and *George Simmons*, Great Queen-street, Middlesex, gas engineers, Jan. 22 at half-past 11, London.—*Thos. Goldsmith*, Norwich, baker, Jan. 23 at 11, London.—*H. Churchill*, Washington, Sussex, builder, Jan. 24 at 12, London.—*Thomas Robson Harrison*, Sunderland, Durham, ironmonger, Jan. 21 at half-past 12, Newcastle-upon-Tyne.

*To be granted, unless an Appeal be duly entered.*

*Abel Pilgrim*, Stanley-road, St. Thomas-square, Hackney, Middlesex, builder.—*Wm. White*, Wolsey-terrace, Kentish-town, St. Pancras, Middlesex, builder.—*Wm. Edward Neeve Marriott*, Swaffham, Norfolk, tailor.—*George Hillier*, Trowbridge, Wiltshire, marine store dealer.—*Joseph Maurice Marks*, Birmingham, cabinet maker.

#### ORDERS OF DISCHARGE.

*To be granted, unless an Appeal be duly entered.*

*Eliza Crosby*, Hazel's-cottage, near Prescott, Lancashire, out of business.—*John Hutchinson Gallaher*, Hazel's-cottage, near Prescott, Lancashire, slater.—*Rachel Clegg*.

#### PETITIONS ANNULLED.

*Joseph Smith*, Lombard-street, City, tailor.—*J. Gabriel Turtle*, Poole, Dorsetshire, shoemaker.

#### PARTNERSHIP DISSOLVED.

*George Adam Bird* and *Arthur James Day*, Kidderminster, Worcestershire, attornies, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*Wm. Henderson*, Linlithgow, draper.—*James Henderson*, Falkland, farmer.—*Wm. Johnstone*, Edinburgh, commission agent.—*William Parker*, Baillieston, grocer.—*John Scott Greenfield*, Edinburgh, commission agent.

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# THE STATUTES

PASSED IN THE SESSION 1861—24 & 25 VICTORIA.

## CAP. I.

An Act to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales. [22nd March, 1861.]

Sect. 1. Inclosures in schedule may be proceeded with.  
2. Short title.

### SCHEDULE TO WHICH THIS ACT REFERS.

Inclosure.	County.	Date of Provisional Order.
Brightwalton . . .	Berks . .	June 7, 1860.
Amberley Manor . .	Sussex .	May 17, 1860.
Cannock . . .	Stafford .	May 17, 1860.
Newland Marsh Shore Land	Southampton	May 17, 1860.
Crofton Marsh Shore Land	Southampton	May 17, 1860.
Hasgill Fell . . .	York . .	Nov. 24, 1859.
Bovey Tracey . . .	Devon . .	June 7, 1860.
Felsted . . .	Essex . .	May 17, 1860.
Arley . . .	Warwick .	May 17, 1860.
Stoborough Heath . .	Dorset . .	Sept. 7, 1860.
Bitton (including Ham- ham Common) . . .	Gloucester	June 2, 1859.
Glassonby . . .	Cumberland	Sept. 7, 1860.
Beawick . . .	Cumberland	Sept. 7, 1860.
Marlingford Common .	Norfolk .	May 17, 1860.
Ribbleton Moor . . .	Lancaster	Oct. 13, 1860.
Eldersfield . . .	Worcester	Sept. 7, 1860.
Winterbourne Steepleton	Dorset . .	Dec. 20, 1860.
Powerstock . . .	Dorset . .	Dec. 20, 1860.
Batcombe . . .	Dorset . .	Dec. 20, 1860.
Easton Common Fields	Southampton	Dec. 20, 1860.
Lillingston Dayrell and Passenham . . .	Bucks and Northampton	Jan. 3, 1861.
Carlton in Craven . .	York . .	Sept. 7, 1860.
Longdon . . .	Worcester	Dec. 6, 1860.
Brookthorp, Harescombe, Harefield, Whaddon, Quedgley, Tuffleigh, Matson, Upton Saint Leonards, and Hemp- stead . . .	Gloucester	May 17, 1860.

## CAP. II.

An Act to apply the Sum of Four Millions, out of the Consolidated Fund, to the Service of the Year 1861.

[22nd March, 1861.]

## CAP. III.

An Act to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities; and for other Purposes. [22nd March, 1861.]

Sect. 1. From the 5th April, 1861, the acts 48 Geo. 3, c. 4, and 56 Geo. 3, c. 97, repealed.

2. As to future payment to the Bank for management of the public debt.

3. Certain charges for management to cease after the 5th April, 1860.

4. So much of the 7 & 8 Vict. c. 39, as requires the Bank to deduct certain sums from charges for management repealed, and other provisions made.

5. Regulation as to balances on the dividend account at the Bank.

6. Commissioners of National Debt to transmit to Treasury the amount of unredeemed debt on the 5th April, 1861. Allowance for management to be computed on such amount.

7. And whereas the said governor and company have heretofore closed the books for transfer of the various capital stocks and annuities created by Parliament transferable at the Bank of England, forming part of the unredeemed public debt, for a certain number of days prior to the days fixed for the payment of the half-yearly dividend thereon respectively, in order to their convenience in calculating the dividends due to the several proprietors thereof, and preparing the warrants for the same, and during the period of such closing no transfers have been permitted, except under circumstances of special necessity, and such transfers have been attended with great inconvenience, by reason of the stock so transferred carrying the right to the current half-year's dividend: and whereas it is desirable to increase the facilities for the transfer of such stocks: be it enacted, that it shall be lawful for the said governor and company to close the books for the transfer of the said several stocks and annuities respectively on any day in the month preceding that in which the dividends thereon respectively shall by law be payable; and the person or persons who on the day of the closing of such books was or were inscribed as the proprietor or proprietors of any share or shares of and in such stocks and annuities respectively shall, as between him, her, or them, and the transferee or transferees thereof, be the person or persons entitled to the then current half-year's dividend thereon; and the person or persons to whom any transfer shall be made after the day of the closing of such books shall not be entitled to the then current half-year's dividend on such stock, but shall take and accept the same exclusive of the right to the said half-yearly dividend; provided that the period for which such books of transfer shall be closed shall not exceed fifteen days.

8. Extending powers of the 56 Geo. 3, c. 60, as to the re-transfer of unclaimed dividends stock.

9. Accounts to be laid before Parliament by the Bank.

10. And whereas the said governor and company have also heretofore closed, in the manner and for the purposes hereinbefore mentioned, the books for transfer of certain stocks created by the Secretary of State in Council of India, under the authority of certain acts of Parliament empowering him in that behalf, and it is desirable that the provisions hereinbefore contained shall extend to the said last-mentioned stocks likewise: be it enacted, that it shall be lawful for the said governor and company in like manner to close the books for the transfer of the said stocks so created by the Secretary of State in Council for India as aforesaid respectively, on any day in the month preceding that in which the dividends thereon respectively shall by law be due, and thereupon the rights of the transferor and transferee respectively to such dividends shall be the same as is hereinbefore provided respecting the transferor and transferee of dividends of other capital stocks transferable at the Bank of England in the like case; provided that the period for which such books of transfer shall be closed shall not exceed fifteen days.

## CAP. IV.

An Act for amending the Red Sea and India Telegraph Act, 1859.

[22nd March, 1861.]

## CAP. V.

An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund. [18th April, 1861.]

Sect. 1. Mode of preparing and issuing Exchequer bills after the passing of this act.

2. Exchequer bills to be charged on the Consolidated Fund.

3. Rate of interest on Exchequer bills.



4. Exchequer bills to be advertised for payment annually.
5. Exchequer bills to be current for duties payable to her Majesty.
6. Power to the Treasury to issue bills in lieu of bills paid off in money, or paid in for duties.
7. Power to the Treasury to issue new Exchequer bills to replace former Exchequer bills to any amount not exceeding 13,230,000*l*.
8. Interest on Exchequer bills payable in part of revenue to be paid.
9. When such bills are paid in, parties to write their names and the date thereon.
10. Treasury to direct cheques, indents, and counterfoils.
11. Two counterfoils to be made.
12. Exchequer bills defaced to be exchanged for new ones.
13. Penalty for forging or counterfeiting Exchequer bills.
14. Provision in case of loss, &c., by casualty or mischance, of Exchequer bills.
15. Fractions of a penny for interest not payable.
16. As to the manufacture of paper to be used for Exchequer bills.
17. As to present contracts.
18. Penalty on persons manufacturing or using paper, plates, or dies intended to imitate those used for Exchequer bills.
19. Persons unlawfully having in their possession paper to be used as Exchequer bills guilty of a misdemeanour.
20. Bank of England may advance 13,230,000*l*. on the credit of bills, notwithstanding the 5 & 6 Will. & M. c. 20.
21. To apply only to bills issued under this act.

## CAP. VI.

An Act to apply the Sum of Three Millions, out of the Consolidated Fund, to the Service of the Year 1861.

[18th April, 1861.]

## CAP. VII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[18th April, 1861.]

## CAP. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.

[18th April, 1861.]

## CAP. IX.

An Act to amend the Law relating to the Conveyance of Land for Charitable Uses.

[17th May, 1861.]

- Sec. 1. *No future deed, &c. for charitable uses to be void by reason of not being indented, or of specified stipulations for the donor's benefit, or (as to copyholds) for want of deed.*
2. *Where charitable uses of any future deed, &c. are declared by any separate or other deed, &c., inrolment of such separate or other deed, &c. requisite.*
3. *No past deed, &c. for charitable uses upon valuable consideration to be void for any reason if inrolled in Chancery.*
4. *Where charitable uses of any past deed, &c. not inrolled are declared by any other deed, &c., inrolment of such other deed, &c. sufficient. Where neither deed, &c. is inrolled, inrolment of such separate or other deed, &c. requisite.*
5. *Act not to invalidate certain deeds, nor to extend to deeds, &c. already avoided, or to pending suits. When acknowledgment not necessary.*
6. *Act not to extend to Scotland or Ireland, nor to prejudice the two universities, or the colleges of Eton, Winchester, or Westminster.*

Whereas, by an act passed in the 9 Geo. 2, [c. 36], intituled "An Act to restrain the Disposition of Lands whereby the same become inalienable," it was amongst other things enacted, that no lands or other hereditaments should be given, granted, or any ways conveyed, settled, or charged for charitable uses, unless such gift, conveyance, or settlement should be made by deed indented and inrolled, sealed and delivered in the presence of two or more credible witnesses twelve calendar months at least before the death of such donor or grantor, and should be inrolled in the High Court

of Chancery within six calendar months next after the execution thereof, and unless the same should be made to take effect in possession for the charitable use intended immediately from the making thereof, and should be without any power of revocation, reservation, trust, condition, limitation, clause, or agreement whatsoever for the benefit of the donor or grantor, or of any person claiming under him: and whereas, by another act passed in the 9 Geo. 4, [c. 85], intituled "An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes," it was enacted, that where any lands, tenements, or hereditaments had been purchased for a full and valuable consideration for charitable uses, and such consideration had been actually paid, every deed or other assurance then already made for the purpose of conveying or assuring the same should (subject as in the now-recited act mentioned) be as good and valid in all respects as if the several formalities by the said first-recited act prescribed had been duly observed and performed: and whereas doubts have been entertained with reference to the assurance for charitable uses of hereditaments of copyhold or customary tenure: and whereas it is expedient to make provision for further remedying defects and obviating doubts and difficulties, and as to inrolment in regard to deeds and assurances of hereditaments conveyed for charitable uses in manner hereinafter provided: be it therefore enacted &c. as follows:—

Sec. 1. No deed or assurance hereafter to be made for any charitable uses whatsoever of any hereditaments of any tenure whatsoever, or of any estate or interest therein, shall be deemed to be null and void, within the meaning of the first-recited act, by reason of such deed or assurance not being indented, or not purporting to be indented, nor by reason of such deed or assurance, or any deed forming part of the same transaction, containing any grant or reservation of any peppercorn or other nominal rent, or of any mines or minerals, or easement, or any covenants or provisions as to the erection, repair, position, or description of buildings, the formation or repair of streets or roads, drainage or nuisances, or any covenants or provisions of the like nature for the use and enjoyment as well of the hereditaments comprised in such deed or assurance as of any other adjacent or neighbouring hereditaments, or any right of entry on non-payment of any such rent, or on breach of any such covenant or provision, or any stipulations of the like nature for the benefit of the donor or grantor, or of any person or persons claiming under him, nor (in the case of any such assurance of hereditaments of copyhold or customary tenure, or of any estate or interest therein) by reason of the same not being made by deed, nor, in the case of such assurances made *bonâ fide* on a sale for a full and valuable consideration, by reason of such consideration consisting wholly or partly of a rent, rent-charge, or other annual payment reserved or made payable to the vendor or to any other person, with or without a right of re-entry for non-payment thereof: provided always, that in all reservations authorised by this act, the donor, grantor, or vendor shall reserve the same benefits for his representatives as for himself.

2. In all cases where the charitable uses of any deed or assurance hereafter to be made for conveyance of any hereditaments for any charitable uses shall be declared by any separate or other deed or instrument, it shall not be necessary, for the purposes of the first-recited act or of this act, to inrol such deed or assurance for conveyance; but every such deed or assurance for conveyance shall nevertheless be absolutely null and void unless such separate or other deed or instrument shall, within six calendar months next after the making or perfecting of such deed or assurance for conveyance, be inrolled in her Majesty's High Court of Chancery, and such inrolment as last aforesaid shall be deemed and treated, for all purposes of the first-recited act and of this act, as if such deed or assurance for conveyance had declared such charitable uses, and had been so inrolled as last aforesaid.

3. No deed or assurance heretofore made, and under which possession is now held, for any charitable uses whatsoever, of any hereditaments, of any tenure whatsoever, or of any estate or interest therein, made really and *bonâ fide* for a full and valuable consideration actually paid at or before the making or perfecting such deed or assurance, or reserved by way of rent, rent-charge, or other annual payment, or partly paid at or before the making or perfecting such deed or assurance,

and partly reserved as aforesaid, without fraud or collusion, shall, for any reason whatever, be deemed to be null and void within the meaning of the first-recited act, if such deed or assurance was made to take effect in possession for the charitable uses intended immediately from the making thereof, and without any power of revocation, and has been at any time prior to the passing of this act, or shall be within twelve calendar months next after the passing of this act, inrolled in her Majesty's High Court of Chancery.

4. In all cases where the charitable uses of any deed or assurance heretofore made for conveyance of any hereditaments for any charitable uses upon such full and valuable consideration as aforesaid, and under which possession is now held for such uses, have been declared by any separate or other deed or instrument, and such deed or assurance for conveyance has not been inrolled in her Majesty's High Court of Chancery prior to the passing of this act, but such separate or other deed or instrument has been so inrolled, such inrolment shall be deemed and treated, for all purposes of the first-recited act and of this act, as if such deed or assurance for conveyance had declared such charitable uses, and had been so inrolled as last aforesaid; but if neither of such deeds nor such instrument has been so inrolled, then it shall not be necessary for the purposes of the first-recited act or of this act to inrol such deed or assurance for conveyance, but every such deed or assurance for conveyance shall nevertheless be absolutely and to all intents and purposes null and void, unless such separate or other deed or instrument shall within twelve calendar months next after the passing of this act be so inrolled; and such inrolment as last aforesaid shall be deemed and treated, for all purposes of the first-recited act and of this act, as if such deed or assurance for conveyance had declared such charitable uses, and had been so inrolled as last aforesaid.

5. Nothing in this act contained shall extend to render null and void, or in any manner to affect or apply to, any deed already good and valid by virtue of the secondly-recited act, or of any other act, or to give effect to any deed or assurance heretofore made, so far as such deed or assurance has already been avoided by any suit at law or in equity, or by any other legal or equitable means whatsoever, or to affect or prejudice any suit at law or in equity actually commenced for avoiding any such deed or assurance, or for defeating the charitable uses in trust or for the benefit of which such deed or assurance has been made; and no deed, assurance, or instrument thirty years old, nor any deed, assurance, or instrument heretofore executed, as to which it shall be proved to the satisfaction of the clerk of inrolments in Chancery that the acknowledgment thereof by the grantor of the lands or hereditaments to which the same relates cannot be obtained within twelve calendar months after the passing of this act, shall, for the purposes of the first-recited act or of this act, require acknowledgment prior to inrolment.

6. Nothing in this act contained shall extend or be construed to extend to the disposition, grant, or settlement of any property or estate lying or being in Scotland or in Ireland, nor to make void any dispositions made or to be made to or in trust for either of the two universities, or any of the colleges or houses of learning within either of such universities, in the first-recited act mentioned, or to or in trust for the colleges of Eton, Winchester, or Westminster, or any or either of them, for the better support and maintenance of scholars only upon the foundation of the said colleges of Eton, Winchester, and Westminster.

## CAP. X.

An Act to extend the Jurisdiction and Improve the Practice of the High Court of Admiralty. [17th May, 1861.]

Sect. 1. *Short title.*2. *Interpretation of terms.*3. *Commencement of act.*4. *As to claims for building, equipping, or repairing of ships.*5. *As to claims for necessities.*6. *As to claims for damage to cargo imported.*7. *As to claims for damage by any ship.*8. *High Court of Admiralty to decide questions as to ownership, &c. of ships.*9. *Extending the 17 & 18 Vict. c. 104, as to claims for salvage of life.*

10. *As to claims for wages, and for disbursements by master of a ship.*
11. *Stat. 3 & 4 Vict. c. 65, in regard to mortgages, extended to the Court of Admiralty.*
12. *Sects. 62 to 65 of the 17 & 18 Vict. c. 104, extended to the Court of Admiralty.*
13. *Part 9 of the 17 & 18 Vict. c. 104, extended to the Court of Admiralty.*
14. *Court to be a court of record.*
15. *Decrees and orders of the Court of Admiralty to have the effect of judgments at common law.*
16. *As to claims to goods taken in execution.*
17. *Powers of superior courts extended to the Court of Admiralty.*
18. *Party in the Court of Admiralty may apply for an order for inspection by the Trinity Masters.*
19. *Admission of documents.*
20. *Power to the Court of Admiralty, when personal service of the citation has not been effected, to order parties to proceed.*
21. *As to the service of subpœna out of England and Wales.*
22. *Power to issue new writs or other process.*
23. *Judge and registrar to have the same power, as to arbitration, as judges and masters at common law.*
24. *Sect. 15 of the 17 & 18 Vict. c. 104, extended to the registrar of the Court of Admiralty.*
25. *Powers of registrar and of deputy or assistant registrar.*
26. *False oath or affirmation deemed perjury.*
27. *Appointment of registrar and of deputy or assistant registrar.*
28. *Appointment of examiners.*
29. *Stamp duty not payable on subsequent admissions of proctors or solicitors.*
30. *Proctor may act as agent of solicitors.*
31. *Stat. 2 Hen. 4, c. 11, repealed.*
32. *Power of appeal in interlocutory matters.*
33. *Bail given in the Court of Admiralty good in the court of appeal.*
34. *As to the hearing of causes and cross causes.*
35. *Jurisdiction of the court.*

Whereas it is expedient to extend the jurisdiction and improve the practice of the High Court of Admiralty of England: be it therefore enacted &c. as follows:—

Sect. 1. This act may be cited for all purposes as "The Admiralty Court Act, 1861."

2. In the interpretation and for the purposes of this act (if not inconsistent with the context or subject) the following terms shall have the respective meanings hereinafter assigned to them—that is to say,

"Ship" shall include any description of vessel used in navigation not propelled by oars:

"Cause" shall include any cause, suit, action, or other proceeding in the Court of Admiralty.

3. This act shall come into operation on the 1st June, 1861.

4. The High Court of Admiralty shall have jurisdiction over any claim for the building, equipping, or repairing of any ship, if at the time of the institution of the cause the ship, or the proceeds thereof, are under the arrest of the court.

5. The High Court of Admiralty shall have jurisdiction over any claim for necessities supplied to any ship elsewhere than in the port to which the ship belongs, unless it is shewn to the satisfaction of the court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: provided always, that if in any such cause the plaintiff do not recover 20*l.*, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

6. The High Court of Admiralty shall have jurisdiction over any claim by the owner, or consignee or assignee, of any bill of lading of any goods carried into any port in England or Wales in any ship, for damage done to the goods, or any part thereof, by the negligence or misconduct of, or for any breach of duty or breach of contract on the part of, the owner, master, or crew of the ship, unless it is shewn to the satisfaction of the court that at the time of the institu-

tion of the cause any owner or part owner of the ship is domiciled in England or Wales: provided always, that if in any such cause the plaintiff do not recover 20*l.*, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

7. The High Court of Admiralty shall have jurisdiction over any claim for damage done by any ship.

8. The High Court of Admiralty shall have jurisdiction to decide all questions arising between the co-owners or any of them touching the ownership, possession, employment, and earnings of any ship registered at any port in England or Wales, or any share thereof, and may settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship, or any share thereof, to be sold, and may make such order in the premises as to it shall seem fit.

9. All the provisions of the Merchant Shipping Act, 1854, in regard to salvage of life from any ship or boat within the limits of the United Kingdom, shall be extended to the salvage of life from any British ship or boat, wheresoever the services may have been rendered, and from any foreign ship or boat, where the services have been rendered either wholly or in part in British waters.

10. The High Court of Admiralty shall have jurisdiction over any claim by a seaman of any ship for wages earned by him on board the ship, whether the same be due under a special contract or otherwise, and also over any claim by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship: provided always, that if in any such cause the plaintiff do not recover 50*l.*, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court.

11. The High Court of Admiralty shall have jurisdiction over any claim in respect of any mortgage duly registered according to the provisions of the Merchant Shipping Act, 1854, whether the ship, or the proceeds thereof, be under arrest of the said court or not.

12. The High Court of Admiralty shall have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in England by the 62nd, 63rd, 64th, and 65th sections of the Merchant Shipping Act, 1854.

13. Whenever any ship or vessel, or the proceeds thereof, are under arrest of the High Court of Admiralty, the said court shall have the same powers as are conferred upon the High Court of Chancery in England by the ninth part of the Merchant Shipping Act, 1854.

14. The High Court of Admiralty shall be a court of record for all intents and purposes.

15. All decrees and orders of the High Court of Admiralty, whereby any sum of money, or any costs, charges, or expenses, shall be payable to any person, shall have the same effect as judgments in the superior courts of common law, and the persons to whom any such monies, or costs, charges, or expenses, shall be payable, shall be deemed judgment creditors; and all powers of enforcing judgments possessed by the superior courts of common law, or any judge thereof, with respect to matters depending in the same courts, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the said Court of Admiralty with respect to matters therein depending; and all remedies at common law possessed by judgment creditors shall be in like manner possessed by persons to whom any monies, costs, charges, or expenses are, by such orders or decrees of the said Court of Admiralty, directed to be paid.

16. If any claim shall be made to any goods or chattels taken in execution under any process of the High Court of Admiralty, or in respect of the seizure thereof, or any act or matter connected therewith, or in respect of the proceeds or value of any such goods or chattels, by any landlord for rent, or by any person not being the party against whom the process has issued, the registrar of the said court may, upon application of the officer charged with the execution of the process, whether before or after any action brought against such officer, issue a summons calling before the said court both the party issuing such process and the party making the claim, and thereupon any action which shall have been brought in any of her Majesty's superior courts of record, or

in any local or inferior court, in respect of such claim, seizure, act, or matter as aforesaid, shall be stayed; and the court in which such action shall have been brought, or any judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing the action to pay the costs of all proceedings had upon the action after issue of the summons out of the said Admiralty Court; and the judge of the said Admiralty Court shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit; and such order shall be enforced in like manner as any order made in any suit brought in the said court. Where any such claim shall be made as aforesaid, the claimant may deposit with the officer charged with the execution of the process either the amount or value of the goods claimed, the value to be fixed by appraisement in case of dispute, to be by the officer paid into court to abide the decision of the judge upon the claim, or the sum which the officer shall be allowed to charge as costs for keeping possession of the goods until such decision can be obtained; and in default of the claimant so doing, the officer may sell the goods, as if no such claim had been made, and shall pay into court the proceeds of the sale, to abide the decision of the judge.

17. The judge of the High Court of Admiralty shall have all such powers as are possessed by any of the superior courts of common law, or any judge thereof, to compel either party in any cause or matter to answer interrogatories, and to enforce the production, inspection, and delivery of copies of any document in his possession or power.

18. Any party in a cause in the High Court of Admiralty shall be at liberty to apply to the said court for an order for the inspection by the Trinity Masters or others appointed for the trial of the said cause, or by the party himself or his witnesses, of any ship or other personal or real property, the inspection of which may be material to the issue of the cause, and the court may make such order in respect of the costs arising thereon as to it shall seem fit.

19. Any party in a cause in the High Court of Admiralty may call on any other party in the cause, by notice in writing, to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, the costs of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge shall certify that the refusal to admit was reasonable.

20. Whenever it shall be made to appear to the judge of the High Court of Admiralty that reasonable efforts have been made to effect personal service of any citation, monition, or other process issued under seal of the said court, and either that the same has come to the knowledge of the party thereby cited or monished, or that he wilfully evades service of the same, and has not appeared thereto, the said judge may order that the party on whose behalf the citation, monition, or other process was issued be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge may seem fit, and all proceedings thereon shall be as effectual as if personal service of such citation, monition, or other process had been effected.

21. The service in any part of Great Britain or Ireland of any writ of subpoena ad testificandum or subpoena duces tecum, issued under seal of the High Court of Admiralty, shall be as effectual as if the same had been served in England or Wales.

22. Any new writ or other process necessary or expedient for giving effect to any of the provisions of this act may be issued from the High Court of Admiralty in such form as the judge of the said court shall from time to time direct.

23. All the powers possessed by any of the superior courts of common law, or any judge thereof, under the Common-law Procedure Act, 1854, and otherwise, with regard to references to arbitration, proceedings thereon, and the enforcing of awards of arbitrators, shall be possessed by the judge of the High Court of Admiralty in all causes and matters depending in the said court; and the registrar of the said Court of Admiralty shall possess, as to such matters, the same powers as are possessed by the masters of the said superior courts of common law in relation thereto.

24. The registrar of the High Court of Admiralty shall have the same powers under the 15th section of the Merchant Shipping Act, 1854, as are by the said section conferred on

the masters of her Majesty's Court of Queen's Bench in England and Ireland.

25. The registrar of the High Court of Admiralty may exercise, with reference to causes and matters in the said court, the same powers as any surrogate of the judge of the said court sitting in chambers might or could have heretofore lawfully exercised; and all powers and authorities by this or any other act conferred upon or vested in the registrar of the said High Court of Admiralty may be exercised by any deputy or assistant registrar of the said court.

26. The registrar of the said Court of Admiralty shall have power to administer oaths in relation to any cause or matter depending in the said court; and any person who shall wilfully depose or affirm falsely in any proceeding before the registrar, or before any deputy or assistant registrar, of the said court, or before any person authorized to administer oaths in the said court, shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury.

27. Any advocate, barrister-at-law, proctor, attorney, or solicitor of ten years' standing may be appointed registrar, or assistant or deputy registrar, of the said court.

28. Any advocate, barrister-at-law, proctor, attorney, or solicitor may be appointed an examiner of the High Court of Admiralty.

29. Any person who shall have paid, on his admission in any court as a proctor, solicitor, or attorney, the full stamp duty of 25*l.*, and who has been or shall hereafter be admitted a proctor, solicitor, or attorney (if in other respects entitled to be so admitted), shall be liable to no further stamp duty in respect of such subsequent admission.

30. Any proctor of the High Court of Admiralty may act as agent of any attorney or solicitor, and allow him to participate in the profits of and incident to any cause or matter depending in or connected with the said court; and nothing contained in the act of the 55 Geo. 3, c. 160, shall be construed to extend to prevent any proctor from so doing, or to render him liable to any penalty in respect thereof.

31. The act passed in the 3 Hen. 4, intitled "A Remedy for him who is wrongfully pursued in the Court of Admiralty," is hereby repealed.

32. Any party aggrieved by any order or decree of the judge of the said Court of Admiralty, whether made *ex parte* or otherwise, may, with the permission of the judge, appeal therefrom to her Majesty in Council, as fully and effectually as from any final decree or sentence of the said court.

33. In any cause in the High Court of Admiralty bail may be taken to answer the judgment as well of the said court as of the court of appeal, and the said High Court of Admiralty may withhold the release of any property under its arrest until such bail has been given; and in any appeal from any decree or order of the High Court of Admiralty, the court of appeal may make and enforce its order against the surety or sureties who may have signed any such bail bond, in the same manner as if the bail had been given in the court of appeal.

34. The High Court of Admiralty may, on the application of the defendant in any cause of damage, and on his instituting a cross cause for the damage sustained by him in respect of the same collision, direct that the principal cause and the cross cause be heard at the same time and upon the same evidence; and if in the principal cause the ship of the defendant has been arrested, or security given by him to answer judgment, and in the cross cause the ship of the plaintiff cannot be arrested, and security has not been given to answer judgment therein, the court may, if it think fit, suspend the proceedings in the principal cause until security has been given to answer judgment in the cross cause.

35. The jurisdiction conferred by this act on the High Court of Admiralty may be exercised either by proceedings in rem or by proceedings in personam.

#### CAP. XI.

An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions. [17th May, 1861.]

**Sec 1.** *Superior courts within her Majesty's dominions may remit a case, with queries, to a court of any foreign State with which her Majesty may have made a convention for that purpose, for ascertainment of the law of such State.*

2. *Court in which action depends to apply such opinion to the facts set forth in cases, &c.*

3. *Court in her Majesty's dominions may pronounce opinion on case remitted by a foreign court.*

4. *Interpretation of terms.*

Whereas an act was passed in the 22 & 23 Vict. [c. 63], intituled "An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of her Majesty's Dominions when pleaded in the Courts of another Part thereof;" and whereas it is expedient to afford the like facilities for the better ascertainment, in similar circumstances, of the law of any foreign country or state with the government of which her Majesty may be pleased to enter into a convention for the purpose of mutually ascertaining the law of such foreign country or state when pleaded in actions depending in any courts within her Majesty's dominions, and the law as administered in any part of her Majesty's dominions when pleaded in actions depending in the courts of such foreign country or state: be it therefore enacted &c. as follows, viz:—

**Sect. 1.** If, in any action depending in any of the superior courts within her Majesty's dominions, it shall be the opinion of such court that it is necessary or expedient, for the disposal of such action, to ascertain the law applicable to the facts of the case as administered in any foreign state or country with the government of which her Majesty shall have entered into such convention as aforesaid, it shall be competent to the court in which such action may depend to direct a case to be prepared, setting forth the facts as these may be ascertained by verdict of jury or other mode competent, or as may be agreed upon by the parties, or settled by such person or persons as may have been appointed by the court, for that purpose in the event of the parties not agreeing; and upon such case being approved of by such court or a judge thereof, such court or judge shall settle the questions of law arising out of the same on which they desire to have the opinion of another court, and shall pronounce an order remitting the same, together with the case, to such superior court in such foreign state or country as shall be agreed upon in the said convention, whose opinion is desired upon the law administered by such foreign court as applicable to the facts set forth in such case, and requesting them to pronounce their opinion on the questions submitted to them; and upon such opinion being pronounced, a copy thereof, certified by an officer of such court, shall be deemed and held to contain a correct record of such opinion.

2. It shall be competent to any of the parties to the action, after having obtained such certified copy of such opinion, to lodge the same with the officer of the court within her Majesty's dominions in which the action may be depending who may have the official charge thereof, together with a notice of motion setting forth that the party will, on a certain day named in such notice, move the court to apply the opinion contained in such certified copy thereof to the facts set forth in the case hereinbefore specified; and the said court shall thereupon, if it shall see fit, apply such opinion to such facts, in the same manner as if the same had been pronounced by such court itself upon a case reserved for the opinion of the court, or upon special verdict of a jury; or the said last-mentioned court shall, if it think fit, when the said opinion has been obtained before trial, order such opinion to be submitted to the jury, with the other facts of the case, as conclusive evidence of the foreign law therein stated, and the said opinion shall be so submitted to the jury: provided always, that if, after having obtained such certified copy, the court shall not be satisfied that the facts had been properly understood by the foreign court to which the case was remitted, or shall on any ground whatsoever be doubtful whether the opinion so certified does correctly represent the foreign law as regards the facts to which it is to be applied, it shall be lawful for such court to remit the said case, either with or without alterations or amendments, to the same or to any other such superior court in such foreign state as aforesaid, and so from time to time as may be necessary or expedient.

3. If, in any action depending in any court of a foreign country or state with whose government her Majesty shall have entered into a convention as above set forth, such court shall deem it expedient to ascertain the law applicable to the facts of the case as administered in any part of her Majesty's

dominions, and if the foreign court in which such action may depend shall remit to the court in her Majesty's dominions whose opinion is desired a case setting forth the facts, and the questions of law arising out of the same, on which they desire to have the opinion of a court within her Majesty's dominions, it shall be competent to any of the parties to the action to present a petition to such last-mentioned court whose opinion is to be obtained, praying such court to hear parties or their counsel, and to pronounce their opinion thereon in terms of this act, or to pronounce their opinion without hearing parties or counsel; and the court to which such petition shall be presented shall consider the same, and, if they think fit, shall appoint an early day for hearing parties or their counsel on such case, and shall pronounce their opinion upon the questions of law, as administered by them, which are submitted to them by the foreign court; and in order to their pronouncing such opinion, they shall be entitled to take such further procedure thereupon as to them shall seem proper; and upon such opinion being pronounced, a copy thereof, certified by an officer of such court, shall be given to each of the parties to the action by whom the same shall be required.

4. In the construction of this act the word "action" shall include every judicial proceeding instituted in any court, civil, criminal, or ecclesiastical; and the words "superior courts" shall include, in England, the superior courts of law at Westminster, the Lord Chancellor, the Lords Justices, the Master of the Rolls, or any Vice-Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in Scotland, the High Court of Justiciary, and the Court of Session, acting by either of its divisions; in Ireland, the superior courts of law at Dublin, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other part of her Majesty's dominions, the superior courts of law or equity therein; and in a foreign country or state, any superior court or courts which shall be set forth in any such convention between her Majesty and the government of such foreign country or state.

#### CAP. XII.

An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of Bethlehem Hospital. [17th May, 1861.]

Sec. 1. Stat. 53 Geo. 3, c. 113, and sect. 8. of the 5 & 6 Vict. c. 22, repealed.

#### CAP. XIII.

An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse, in the County of Devon. [17th May, 1861.]

#### CAP. XIV.

An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof. [17th May, 1861.]

Sec. 1. *Postmaster-General may direct officers in Post-office to receive deposits.*

2. *Legal title of depositors to repayment.*

3. *Depositors entitled to repayments not later than ten days after demand made.*

4. *Names of depositors, &c. not to be disclosed.*

5. *Money to be paid to Commissioners for the Reduction of the National Debt, and repaid to depositors through Post-office.*

6. *Additional security to depositors.*

7. *Rate of interest payable to depositors.*

8. *Interest, how calculated.*

9. *Investment of funds received under this act.*

10. *Depositors desiring to transfer their deposits. Not necessary to have rules, &c. of savings banks again certified.*

11. *Postmaster-General, with consent of Treasury, to make regulations. Copies of regulations to be laid before Parliament.*

12. *Accounts to be laid before Parliament.*

13. *Accounts to be examined by Commissioners of Audit.*

14. *Provisions of Savings Bank Acts applicable to this act.*

15. *Expenses of act.*

Whereas it is expedient to enlarge the facilities now available for the deposit of small savings, and to make the General Post-office available for that purpose, and to give the direct security of the State to every such depositor for repayment of all monies so deposited by him, together with the interest due thereon: be it therefore enacted &c.:

Sec. 1. It shall be lawful for the Postmaster-General, with the consent of the Commissioners of her Majesty's Treasury, to authorise and direct such of his officers as he shall think fit to receive deposits for remittance to the principal office, and to repay the same, under such regulations as he, with the concurrence of the Commissioners of her Majesty's Treasury, may prescribe in that respect.

2. Every deposit received by any officer of the Postmaster-General appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office; and the amount of such deposit shall, upon the day of such receipt, be reported by such officer to the Postmaster-General, and the acknowledgment of the Postmaster-General, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof, with the interest thereon, upon demand made by him on the Postmaster-General; and, in order to allow a reasonable time for the receipt of the said acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of title for ten days from the lodgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within ten days, and he shall, before or upon the expiry thereof, demand the said acknowledgment from the Postmaster-General, then the entry in his book shall be conclusive evidence of title during another term of ten days, and toties quoties: provided always, that such deposits shall not be of less amount than 1s., nor of any sum not a multiple thereof.

3. On demand of the depositor, or party legally authorised to claim on account of a depositor, made in such form as shall be prescribed in that behalf, for repayment of any deposit, or any part thereof, the authority of the Postmaster-General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be absolutely entitled to repayment of any sum or sums that may be due to him, within ten days at farthest after his demand shall be made at any post-office where deposits are received or paid.

4. The officers of the Postmaster-General engaged in the receipt or payment of deposits shall not disclose the name of any depositor, nor the amount deposited or withdrawn, except to the Postmaster-General, or to such of his officers as may be appointed to assist in carrying this act into operation.

5. All monies so deposited with the Postmaster-General shall forthwith be paid over to the Commissioners for the Reduction of the National Debt; and all sums withdrawn by depositors, or by parties legally authorised to claim on account of depositors, shall be repaid to them out of the said monies, through the office of her Majesty's Postmaster-General.

6. If at any time the fund to be created under the authority of this act, by the investment of the deposits, shall be insufficient to meet the lawful claims of all depositors, it shall be lawful for the Commissioners of her Majesty's Treasury, upon being duly informed thereof by the Commissioners for the Reduction of the National Debt, to issue the amount of such deficiency out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof; and the said Commissioners of her Majesty's Treasury shall certify such deficiency to Parliament.

7. The interest payable to the parties making such deposits shall be at the rate of 2½. per centum per annum, but such interest shall not be calculated on any amount less than 1l. or some multiple thereof, and not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn.

8. Interest on deposits shall be calculated to the 31st December in every year, and shall be added to and become part of the principal money.

9. The monies remitted to the Commissioners for the Reduction of the National Debt under the authority of this act shall be invested in some or in all of the securities in which

the funds of savings banks established under the existing laws may be invested, and a separate and distinct account shall be kept by the said commissioners of all receipts, investments, sales, and repayments; and a balance sheet of such account, from the 1st January to the 31st December in every year, shall be laid before both Houses of Parliament not later than the 31st March in every year.

10. If any depositor making deposit under this act shall desire to transfer the amount of such deposit to a savings bank established under the acts relating to savings banks, he shall, upon application to the chief office of the Postmaster-General, be furnished with a certificate stating the whole amount which may be due to him, with interest, and thereupon his account under this act shall be closed; and, upon delivery of such certificate to the trustees or managers of the savings bank to which it is proposed by the depositor to transfer such deposit, they shall, if they think fit, open an account for the amount stated in such certificate for such depositor, who shall thereupon be subject to the rules of such savings bank; and the amount so transferred shall, upon such certificate being forwarded to the Commissioners for the Reduction of the National Debt, be written off in the books of the said commissioners from the amount of monies received under the authority of this act, and shall be carried to the account of the savings bank to which such transfer shall have been made; and in like manner, if any depositor in a savings bank established under the Savings Bank Acts shall desire to transfer the amount due to him, with interest, from such savings bank to the Postmaster-General, for deposit under the provisions of this act, the trustees or managers of such savings bank shall, upon his request, furnish such depositor with a certificate, in a form to be approved by the Commissioners for the Reduction of the National Debt, signed by two trustees of such savings bank, and thereupon his account with such savings bank shall be closed, which certificate the depositor may deliver to any officer of the Postmaster-General authorised to receive deposits under this act, and such certificate shall for the amount therein set forth be considered to be a deposit made under the authority of this act, and, being forwarded to the said commissioners, the said amount shall then be transferred in the books of the said commissioners from the account of the said savings bank to the credit of the account of monies deposited under the authority of this act: provided always, that nothing contained in this act respecting savings banks shall render it necessary to have the rules and regulations of any savings bank again certified if the same have been before certified according to law.

11. The Postmaster-General, with the consent of the Commissioners of her Majesty's Treasury, may make, and from time to time, as he shall see occasion, alter regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, and all other matters incidental to the carrying this act into execution, in his department, and all regulations so made shall be binding on the parties interested in the subject-matter thereof, to the same extent as if such regulations formed part of this act; and copies of all regulations issued under the authority of this act shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not, then within fourteen days from the next re-assembling of Parliament.

12. An annual account of all deposits received and paid under the authority of this act, and of the expenses incurred during the year ended the 31st December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster-General before both Houses of Parliament not later than the 31st March in every year.

13. The annual accounts of the Postmaster-General, and of the Commissioners for the Reduction of the National Debt, to the 31st December in each year, in respect to all monies deposited or invested under the authority of this act, shall annually, prior to the 31st March in each year, be submitted for examination and audit to the commissioners for auditing public accounts.

14. All the provisions of the acts now in force relating to savings banks, as to matters for which no other provision is made by this act, shall be deemed applicable to this act, so far as the same are not repugnant thereto.

15. All expenses incurred in the execution of this act shall be paid out of the monies received under the authority of this act.

CAP. XV.

An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary.  
[17th May, 1861.]

Sect. 1. Power to her Majesty to grant an annuity of 6000*l.* to her Royal Highness the Princess Alice Maud Mary for life.

CAP. XVI.

An Act to render valid Marriages heretofore solemnised in Trinity Church, Rainow, and in other Churches and Chapels,  
[17th May, 1861.]

Sect. 1. Marriages heretofore solemnised in Trinity Church, Rainow, declared valid.

2. Ministers having solemnised such marriages indemnified.

3. Registers of such marriages, or copies thereof, to be evidence.

4. And whereas by error banns have been published and marriages have been solemnised in churches and chapels duly consecrated, but in which churches or chapels banns cannot be legally published, nor marriages by law be solemnised, and it is expedient to remove all doubt arising from the circumstances aforesaid touching the publication of such banns and the validity of such marriages: be it therefore enacted, that all banns already published and all marriages already solemnised in such churches and chapels as aforesaid shall not hereafter be questioned on account of the said banns having been published or the said marriages solemnised in a church or chapel not legally authorised for the publication of banns and solemnisation of marriages; and the minister or ministers who solemnised the same shall not be liable to any ecclesiastical censures or to any proceedings or penalties by reason thereof, provided he or they be rightly ordained; and the registers of all marriages so solemnised as aforesaid, or copies of such registers, shall be received in all courts of law and equity as evidence of such marriages respectively: provided always, that nothing herein contained shall extend, or be construed to extend, to authorise the publication of banns or solemnisation of marriages in any of such churches or chapels, or in the said church or chapel called Trinity Church, Rainow, hereafter.

CAP. XVII.

An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.  
[7th June, 1861.]

CAP. XVIII.

An Act to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor.  
[7th June, 1861.]

Sect. 1. Parochial board of combination may appoint special meeting for application for dissolution.

2. Intimation of special meeting.

3. Special meeting may authorise application to the board of supervision.

4. Board of supervision may thereupon dissolve the combination;

5. And decide all questions between the parishes.

6. After dissolution, the management of the poor to proceed as if the parishes had never been combined.

7. If application refused, not to be renewed till after the lapse of five years.

CAP. XIX.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year 1861.  
[17th June, 1861.]

CAP. XX.

An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties.  
[12th June, 1861.]

Sect. 1. Grant of duties specified in schedules annexed.

## 2. Provisions of former acts to apply.

5. And whereas, since the 5th April now last past, and before the passing of this act, divers dividends, annuities, and shares of annuities, and interest on loans, and on bonds, debentures, and other securities directed by the acts relating to the income tax in force on the said last-mentioned day to be assessed under Schedule (C.) of the said acts, have become due and payable, and by reason of the expiration of the said acts before the passing of this act, have not been assessed and charged with the said tax; and it is expedient to provide for the assessment thereof with the rates and duties of income tax granted by this act, and for the collection of the sums assessed from the persons respectively to whom such dividends, annuities, shares, and interest have been paid, or who are entitled thereto:

Be it enacted, that all persons respectively intrusted with the payment of any such dividends, annuities, shares, or interest as aforesaid, or who have paid the same, either as agents or otherwise, shall, within one calendar month after the passing of this act, deliver or cause to be delivered to the commissioners for special purposes, at the head office of Inland Revenue at Somerset House, in the city of Westminster, an account in writing, duly authenticated and signed by such persons respectively, containing a description of all such dividends, annuities, shares, and interest intrusted to them for payment which have become due or payable since the 5th April last, and also a true and perfect account of the names and residences of the several persons to whom the same have become due or payable, and the several sums which have been so paid to them, or to which they have become entitled respectively; and the said commissioners for special purposes shall make assessments thereon respectively, under Schedule (C.) of the acts relating to the income tax, of the rates and duties of income tax granted by this act, and the sum so assessed shall be paid to the Receiver-General of Inland Revenue by the several persons who shall have received or are entitled to such dividends, annuities, shares, and interest respectively; and in default of such payment the sums so assessed shall be recoverable from the said last-mentioned persons, and shall be collected and levied in like manner as any other assessments made by the said commissioners are or may be by law directed or authorised to be recovered, collected, or levied: provided always, that if any sum so assessed shall not be so paid, recovered, or collected by or from any person chargeable therewith, and such person shall at any time hereafter become entitled to any further payment of the like dividends, annuities, shares, or interest, the person intrusted with the payment thereof as aforesaid shall, on notice and requisition from the said commissioners in that behalf, deduct and retain from and out of such further payment any such sum assessed and remaining unpaid as aforesaid, as well as any further assessment chargeable in respect of such further payment of the said dividends, shares, annuities, or interest; and the person deducting and retaining any such sum of money assessed as aforesaid shall pay the same into the Bank of England to the account of the said Receiver-General, in like manner as he is by any act relating to the income tax required or directed to pay over any other sums of money deducted or retained by him for income tax; and if any person intrusted with the payment of, or who hath paid, any such dividends, annuities, shares, or interest as aforesaid, either as agent or otherwise, shall neglect or refuse to do any act hereby required or directed to be done or performed by him, he shall forfeit the sum of 100*l*.

4. On and after the 1st October, 1861, the excise duties, allowances, and drawbacks on paper, and customs duties on articles specified in Schedule (D.), repealed, except as to arrears and penalties.

5. Stationers entitled to allowance of excise duty in respect of unbroken reams, &c. of paper in their stock.

6. Mode of claiming allowance of excise duty on paper.

7. Officer to examine claims and stock, and to grant certificates of allowance.

8. Declaration to be made of the truth of the certificate, and collector to pay the amount of the allowance.

9. Penalty for forged or false certificate or false declaration.

## SCHEDULES.

## SCHEDULE (A).

*Containing the Rates and Duties of Customs granted, and the Drawbacks allowed on the following Articles, by this Act.*

The duties of customs now charged on the articles next mentioned shall continue to be levied and charged on and after the 1st July, 1861, until the 1st July, 1862, on importation into Great Britain and Ireland; that is to say—

Tea (without any allowance for draft)	..	the lb.	£0	1	5
Almonds, paste of	..	..	..	the lb.	0 0 2
Cherries, dried	..	..	..	the lb.	0 0 2
Comfits, dry	..	..	..	the lb.	0 0 2
Confectionery	..	..	..	the lb.	0 0 2
Ginger, preserved	..	..	..	the lb.	0 0 2
Marmalade	..	..	..	the lb.	0 0 2
Plums, preserved in sugar	..	..	..	the lb.	0 0 2
Succades, including all fruits and vegetables preserved in sugar, not otherwise enumerated,		the lb.	0	0	2
Sugar—viz.					
Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto	..	..	..	the cwt.	0 16 4
White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined or equal in quality to refined,		the cwt.	0	16	0
Yellow Muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow Muscovado or brown clayed, and not equal to white clayed	..	..	..	the cwt.	0 13 10
Brown Muscovado or any other sugar, not being equal in quality to yellow Muscovado or brown clayed sugar	..	..	..	the cwt.	0 12 8
Cane Juice	..	..	..	the cwt.	0 10 4
Molasses	..	..	..	the cwt.	0 5 0

The following drawbacks shall be allowed on exportation to foreign parts, or on removal to the Isle of Man for consumption there, of the several descriptions of refined sugar hereinafter mentioned, on and after the 1st July, 1861, until the 1st July, 1862; that is to say—

Upon refined sugar, in loaf, complete or whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or sugar sandy, or sugar refined by the centrifugal machine, or by any other process, and not in any way inferior to the export standard, No. 3, approved by the Lords of the Treasury,	for every cwt.	0 17 2
Upon such refined sugar already described, if pounded, crushed, or broken in a warehouse approved by the Commissioners of Customs, such sugar having been there first inspected by the officers of customs in lumps or loaves, as if for immediate shipment, and then packed for exportation in the presence of such officers, and at the expense of the exporters	.. for every cwt.	0 17 2
Upon refined sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the export standard sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than five per centum moisture over and above what the same would contain if thoroughly dried in the stove	.. for every cwt.	0 16 4
Upon bastard or refined sugar, unstoved, broken in pieces, or being ground, powdered, or crushed, not in any way inferior to the export standard sample, No. 2, approved by the Lords of the Treasury	.. for every cwt.	0 15 1
Upon bastard or refined sugar, being inferior in quality to the said export standard sample, No. 2	.. for every cwt.	0 13 8

In lieu of the duties of customs now charged on the articles under mentioned, the following duties of customs shall, on and after the 10th April, 1861, be charged thereon.



on importation into Great Britain and Ireland; that is to say—

Chicory, or any other vegetable matter applicable to the uses of chicory or coffee—viz.

Raw or kiln-dried .. .. the cwt. £0 12 0

#### SCHEDULE (B.)

*Containing the Duties of Excise granted by this Act.*

Chicory:—

For and upon all chicory or any other vegetable matter applicable to the uses of chicory or coffee grown in the United Kingdom:

For every hundredweight thereof, raw or kiln-dried, until the 1st April, 1862, the duty of 8s. 6d., and on and after that day the duty of 11s., and so in proportion for any greater or less quantity than a hundredweight:

In lieu of the duties of excise now payable thereon.

#### SCHEDULE (C.)

*Containing the Rates and Duties of Income Tax granted by this Act.*

For one year, commencing on the 6th April, 1861, for and in respect of all property, profits, and gains mentioned or described as chargeable in the 16 & 17 Vict. c. 34, for granting to her Majesty duties on profits arising from property, professions, trades, and offices, the following rates and duties; that is to say—

For every 20s. of the annual value or amount of all such property, profits, and gains (except those chargeable under Schedule (B.) of the said act), the rate or duty of 9d.

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said act, for every 20s. of the annual value thereof—

In England, the rate or duty of 4½d.; and

In Scotland and Ireland respectively, the rate or duty of 3d.; Subject to the provision contained in the said act, the 16 & 17 Vict. c. 34, s. 28, for the relief of persons whose incomes are under 150l. a year respectively, from so much of the said duties as shall exceed the rate of 6d. for every 20s. of their respective profits and gains, computed as in the said enactment is mentioned, and subject also to the provision therein contained for the exemption of persons whose incomes from every source shall be less than 100l. a year respectively.

#### SCHEDULE (D.)

*Specifying the Articles upon which Customs Duties are to cease by this Act.*

The duties of customs chargeable upon goods, wares, and merchandise next hereinafter mentioned, imported into Great Britain and Ireland, shall cease and determine on and after the 1st October, 1861; that is to say—

Paper: viz.—

Brown paper, made of old rope or cordage only, without separating or extracting the pitch or tar therefrom, and without any mixture of other materials therewith.

Printed, painted, or stained paper-hangings or flock paper. For printing or writing.

Gilt, stained, coloured, embossed, and all fancy kinds, not being paper-hangings, or paper fit for printing or writing. Waste paper, or paper of any other sort not particularly enumerated or described, not otherwise charged with duty.

Millboards.

Pasteboard.

Books: viz.—

being of editions printed in or since the year 1801, bound or unbound.

admitted under treaties of international copyright, or if of and from any British possession.

Prints and drawings: viz.—

plain or coloured.

admitted under treaties of international copyright.

or, and at the option of the importer,

single.

bound.

#### CAP. XXI.

An Act for granting to Her Majesty certain Duties of Excise and Stamps. [28th June, 1861.]

Sect. 1. *Grant of duties specified in schedules annexed.*

2. *Power to licensed dealers in spirits taking out an additional license to retail and send out foreign or British spirits in less quantities than two gallons.*

3. *Licenses may be granted for the sale of table beer by retail, not to be drunk on the premises, without persons being rated, or producing certificate.*

4. *Provisions of former acts to apply to this act.*

5. *Expiration of licenses granted under this act to hawkers, pedlars, &c.*

6. *A license may be granted to a hawker on a certificate of a justice or an officer of police.*

7. *Not to affect the licenses to hawkers, &c. trading otherwise than as herein mentioned, nor the provisions of the act in force.*

8. *Licensed hawkers, &c. may carry and sell tea and coffee under an excise license.*

9. *Persons seeking orders for goods at other men's houses to be deemed hawkers.*

10. *Who shall be deemed house agents, and required to be licensed as such.*

11. *By whom licenses to house agents shall be granted, and the date and continuance thereof.*

12. *Penalty on house agents acting without a license.*

13. *Exceptions.*

14. *The stamp on the lease of a furnished house may be adhesive; the same to be cancelled.*

15. *Penalty for signing any such agreement not stamped.*

Sect. 1. There shall be charged, collected, and paid, for the use of her Majesty, her heirs and successors, the several duties of excise and stamps specified and contained in the schedules marked respectively (A.) and (B.) to this act annexed, which said duties shall commence and take effect at or from the respective times specified or mentioned in that behalf in the said schedules; and where, with regard to any of such duties, no time is so specified for the commencement thereof, the same shall commence and take effect from and after the passing of this act: provided, that the last-mentioned duties imposed on any of the several instruments, matters, and things described in the said Schedule (B.) shall be chargeable in respect of such of them only as shall be dated, or, if there be no date, made or signed at any time after the day of the passing of this act.

2. Any person duly licensed as a dealer in spirits in England may take out an additional license authorizing him to sell by retail foreign or British spirits in any quantity not less than one reputed quart bottle, or, as to foreign liquours, in the bottles in which the same may have been imported, not to be drunk or consumed upon the premises; and any licensed dealer taking out such additional license may send out or deliver any such spirits without the certificate required by law in such cases, if the quantity does not exceed one gallon at a time, and such spirits are not sent to the stock of any dealer or retailer: provided always, that nothing herein contained shall extend to repeal, alter, or affect sect. 169 of the act of the last session of Parliament, cap. 114: provided further, that, notwithstanding any provision hereinafter contained, all penalties to be incurred or recoverable under this section, or in relation thereto, may be sued for by any superintendent or inspector of police, upon information and summons before the police court or justice having jurisdiction in the place where the offence is committed, but the appropriation of the penalty shall be the same as is hereinafter specified.

3. It shall be lawful for any person to take out a license for the sale in any house or shop of table beer, at a price not exceeding the rate of 1½d. the quart, and not to be drunk or consumed on the premises where sold; and it shall not be necessary to the obtaining of such license that the said house or shop shall be rated to the relief of the poor to any amount, or that the person applying for such license shall produce any certificate, or enter into any bond required by any act relating to the sale of beer by retail.

4. All the powers, provisions, clauses, regulations, allowances, and exemptions, forfeitures, pains, and penalties, con-

tained in or imposed by any act or acts, or any schedule thereto, relating to any duties of the same kind or description as the several rates or duties granted by this act respectively, and in force at the time of the passing of this act, shall respectively be of full force and effect with respect to the said duties by this act granted respectively, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the duties by this act granted respectively.

5. All licenses to hawkers, pedlars, and petty chapmen under this act, where the same shall be respectively granted for any period exceeding six months, shall continue in force until and upon the 31st July next following the date thereof, and no longer; and where they shall be granted for any period not exceeding six months, they shall continue in force until and upon the 31st January or the 31st July, as the case may be, next following the date thereof, and no longer.

6. Any license to a hawker, pedlar, and petty chapman under this act may be granted by any authorised officer of inland revenue, upon the person applying for it producing either such certificate as is now by law required before receiving a hawker's license, or a certificate under the hand of a justice of the peace for the county or place, or any superintendent or inspector of police of or for the district in which the officer shall reside, that the applicant for such license under this act is a proper person to be so licensed.

7. Provided always, that nothing herein contained shall in any way affect the licenses by law required to be taken out by hawkers, pedlars, and petty chapmen travelling or trading in any other manner than as in the schedule to this act is mentioned, or the duties thereon, nor, save as herein is expressly enacted, any of the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in any act of Parliament in force relating to hawkers, pedlars, and petty chapmen, or to stamp duties.

8. And whereas persons licensed under the laws of excise to sell tea and coffee are restricted in the sale thereof to premises of which entry is required to be made with the officers of excise; and it is expedient to allow such licensed persons, who shall also be duly licensed under the acts in force relating to hawkers, pedlars, and petty chapmen in Great Britain, to carry and expose for sale and sell tea or coffee in the course of their trading as such licensed hawkers, pedlars, and petty chapmen: be it enacted, that no person who shall be duly licensed under the laws of excise to sell tea or coffee, and also duly licensed as a hawker, pedlar, and petty chapman, shall be subject to any penalty or forfeiture for selling tea or coffee elsewhere than on such entered premises as aforesaid, by reason or on account of his selling tea or coffee in the regular course of his trading as such hawker, pedlar, or petty chapman, duly licensed as aforesaid, anything in any act relating to the excise to the contrary notwithstanding.

9. Persons going from town to town, or to other men's houses, carrying to sell or exposing to sale any goods, wares, or merchandise, or carrying and exposing samples or patterns of any goods, wares, or merchandise to be afterwards delivered, shall be deemed to be and shall be trading persons within the meaning of this act, and of the acts now in force relating to hawkers, pedlars, and petty chapmen, and shall be subject and liable to all the duties, provisions, regulations, pains, and penalties in and by the said acts imposed or contained, as if the same were herein repeated and re-enacted with reference to the persons and matters and things aforesaid: provided that nothing herein contained shall extend to subject commercial travellers or other persons to the duties and provisions of the said acts by reason merely of their selling or seeking orders for goods, wares, or merchandise, to or from persons who are dealers therein, and who buy to sell again, nor to persons licensed by the excise to deal in spirits, wine, or beer, or to the agents of such last-mentioned persons, nor to persons who are the real workers or makers of any goods or wares, or the servants of such persons seeking orders for any of such goods or wares.

10. Every person who, as an agent for any other person,

shall, for or in expectation of fee, gain, or reward of any kind, advertise for sale or for letting any furnished house or part of any furnished house, or who shall by any public notice or advertisement, or by any inscription in or upon any house, shop, or place used or occupied by him, or by any other ways or means, hold himself out to the public as an agent for selling or letting furnished houses, and who shall let or sell, or agree to let or sell, or make or offer or receive any proposal, or in any way negotiate for the selling or letting of any furnished house or part of any furnished house, shall be deemed to be a person using and exercising the business, occupation, and calling of a house agent within the meaning of this act and the Schedule (B.) hereto, and shall be licensed accordingly: provided that no person shall be deemed to be such house agent by reason of his letting, or agreeing or offering to let, or in any way negotiating for the letting, of any house not exceeding the annual rent or value of 25*l.*: provided also, that any story or flat rated and let as a separate tenement shall be considered to be a house for the purposes of this enactment.

11. The Commissioners of Inland Revenue, and any person authorised by them, shall, after the 5th July, 1861, grant license, to any person who shall apply for the same, to use and exercise the business, occupation, and calling of a house agent, which license shall also authorise the person to whom it is granted to use and exercise the calling or occupation of an appraiser; and any such license issued between the 5th July and the 5th August in any year shall be dated on the 6th July, and any such license issued at any other time shall bear the date of the day on which the same shall be issued, and every such license shall continue in force from the day of the date thereof until and upon the 5th July then next following, and no longer.

12. Every person who shall use or exercise the business, occupation, or calling of a house agent, without having a license in force under this act so to do, shall forfeit the sum of 20*l.*

13. Provided always, that this act shall not extend to require any agent employed in the management of landed estates, or any attorney, solicitor, proctor, writer to the signet, agent, or procurator admitted in any court of law, or any conveyancer who shall as such have taken out his annual certificate, or any auctioneer or appraiser having in force a license as such, to take out a license under this act as a house agent.

14. The stamp duty on a lease or tack of a furnished dwelling-house for a term or period of time less than a year, or on an agreement, or a minute or memorandum of an agreement, containing the terms and conditions on which any such house is let, held, or occupied for any such term or period of time, whatever may be the amount of rent reserved or made payable, and any counterpart or duplicate thereof, may be denoted by an adhesive stamp affixed thereto, to be provided by the Commissioners of Inland Revenue for that purpose; and where any such adhesive stamp shall be used, every party to the instrument who shall sign the same shall also at the time of signing it write upon or across the stamp his name, and there shall, before or at the time of so signing the instrument by the party who shall first sign the same, be written upon the stamp the date of the instrument, so that the stamp may be appropriated to the instrument, and effectually cancelled and rendered incapable of being used for any other instrument; and in default thereof the stamp shall be of no avail, and proof of the said writing upon or across the stamp as aforesaid shall be a necessary part of the evidence of the signing or making of the instrument in any case where such instrument is not stamped with an impressed stamp: provided always, that where the persons who as parties shall sign any such instrument shall exceed two, it shall be sufficient if one person only on each part shall write his name on the stamp.

15. If any lease or tack, or agreement, minute or memorandum of agreement, hereinbefore described, or any duplicate or counterpart thereof, shall not be written on paper or parchment duly stamped for the same, and shall not at the time of signing the same as aforesaid have affixed thereto the proper adhesive stamp, or such stamp, if affixed, shall not be cancelled in manner hereinbefore mentioned, every person who shall sign the said instrument, if there shall be no stamp thereon or affixed thereto, and every person who shall make default in signing his name across the adhesive stamp, if one shall be affixed thereto, and also, in either of

the cases aforesaid, the agent or person who shall prepare or be employed in preparing such instrument, shall forfeit 5*l.*, which shall be in addition to any penalty by law payable on stamping the same: provided always, that nothing herein contained shall be construed to render any person liable to any penalty for or on account of any letters or correspondence by post containing the terms or conditions offered or accepted for the taking or letting of any furnished house.

## SCHEDULES.

### SCHEDULE (A.)

*Containing the Duties of Excise granted by this Act.*

#### *Retail License to Dealers in Spirits.*

For and upon every additional excise license to be taken out by any licensed dealer in spirits in Great Britain to authorise and empower him to sell by retail foreign or British spirits in any quantity not less than one reputed quart bottle, or, as to foreign liqueurs, in the bottles in which the same may have been imported, and not to be drunk or consumed on the premises, the sum of £3 3 0

#### *License to sell Table Beer.*

For and upon every excise license to be taken out by any person for the sale in any house or shop of table beer at a price not exceeding the rate of 1*d.* the quart, and not to be drunk or consumed on the premises where sold .. .. 0 5 0

### SCHEDULE (B.)

*Containing the Stamp Duties imposed by this Act.*

Bill of exchange (foreign) for the payment of money exceeding 500*l.* drawn out of the United Kingdom, and payable or indorsed or negotiated within the United Kingdom:

For every 100*l.* and part of 100*l.* of the money thereby made payable .. .. 0 1 0

Lease or tack of any furnished dwelling-house for any term or period of time less than a year, or any agreement, minute, or memorandum of agreement, containing the term and conditions on which any such house is let, occupied, or held for any such term or period of time, where the rent for such term or period of time shall exceed 25*l.* .. .. 0 2 6

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1060 words therein contained over and above the first 1060 words, the further progressive duty of .. .. 0 2 6

And for any duplicate or counterpart thereof—the same duty or duties.

License to be taken out by any hawker, pedlar, or petty chapman in Great Britain who shall travel and trade on foot, without any horse or other beast bearing or drawing burthen, and who shall carry his goods, wares, or merchandise to, and sell or expose for sale the same at, other men's houses only, and not in or at any house, shop, room, booth, stall, or other place whatever belonging to, or hired or occupied or used by, him for selling or exposing the same for sale in any town to which he may travel:

Where such license shall be granted for any period not exceeding six months .. .. 1 0 0

And where the same shall be granted for any period exceeding six months, and not exceeding a year .. .. 2 0 0

License to be taken out by any such trading person in Great Britain who shall travel with one beast of burthen only—that is to say, an ass, or a mule, or a horse not exceeding in height thirteen hands, of four inches to each hand:

Where such license shall be granted for any period not exceeding six months .. .. 2 0 0

And where the same shall be granted for any period exceeding six months, and not exceeding a year .. .. 4 0 0

The several stamp duties hereinbefore contained in this schedule to be in lieu of the stamp duties now payable upon the like matters under any other act now in force.

License to be taken out yearly after the 5th July, 1861, by every person who shall use or exercise the business, occupation, or calling of a house agent .. .. £2 0 0

### CAP. XXII.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Burford, in the County of Oxford. [28th June, 1861.]

### CAP. XXIII.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading. [28th June, 1861.]

### CAP. XXIV.

An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson, at Temple Balsall, in the County of Warwick. [28th June, 1861.]

### CAP. XXV.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. [28th June, 1861.]

Sect. 1. Power to the Secretary of State in Council of India to raise any sum not exceeding 4,000,000*l.*

2. Bonds may be issued under the hands of the members of the council, countersigned by the secretary or under-secretary.

3. Debentures may be issued.

4. As to payment of principal and interest on debentures.

5. Debentures transferable by delivery or deed; coupons by delivery.

6. Capital stock and annuities may be created and issued.

7. Transfer books of such capital stock and annuities to be kept.

8. Annuities personal estate.

9. The whole amount charged on the revenue of India not to exceed 4,000,000*l.*

10. Power to raise money for payment of principal money.

11. Securities, &c. to be charged on revenues of India.

12. Provisions as to composition for stamp duties on India Bonds extended to bonds and debentures under this act.

13. Forgery of debentures to be punishable as forgery of East India Bonds.

14. Returns to be annually prepared of monies raised on loan, &c., and presented to Parliament.

15. Saving powers of the Secretary of State in Council.

### CAP. XXVI.

An Act to amend the Dublin Improvement Act, 1849. [28th June, 1861.]

### CAP. XXVII.

An Act to declare the Limits within which Increased Assessments are authorised to be raised in the City of Edinburgh, under the Provisions of the 23 & 24 Vict. c. 50. [28th June, 1861.]

### CAP. XXVIII.

An Act to relieve certain Trusts on the Holyhead Road from Debts. [11th July, 1861.]

### CAP. XXIX.

An Act to authorise the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork. [11th July, 1861.]

## CAP. XXX.

An Act to declare the Validity of an Act passed by the General Assembly of New Zealand, intituled "An Act to provide for the Establishment of New Provinces in New Zealand." [11th July, 1861.]

Sect. 1. Power to the General Assembly to constitute new provinces.

2. Power to the General Assembly to repeal part of the 3rd section of the 15 & 16 Vict. c. 72.

3. Recited act of the General Assembly, the 21 & 22 Vict., to be valid.

4. The 15 & 16 Vict. c. 72, and the 20 & 21 Vict. c. 53, to apply to new provinces.

## CAP. XXXI.

An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of Sierra Leone. [11th July, 1861.]

Sect. 1. Laws in force at Sierra Leone for the punishment of crimes extended to British subjects in adjacent territories.

2. Governors may address commissions to persons to act as magistrates in such territories. Powers of such magistrates.

3. Commissions to be in force only during her Majesty's pleasure.

4. Act not to extend constructively to her Majesty's dominions.

5. Who to be deemed the governor.

## CAP. XXXII.

An Act for confirming a Scheme of the Charity Commissioners for the Hospital of the Blessed Trinity, at Guildford, in the County of Surrey, and its subsidiary Endowments, with certain Alterations. [11th July, 1861.]

## CAP. XXXIII.

An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act of 1859. [11th July, 1861.]

Sect. 1. Recited act to be construed as if the lands in the schedule to this act were comprised in that act.

2. Plan to be deposited at the office of the Commissioners of her Majesty's Works.

3. Compulsory powers to continue for three years.

4. Commissioners of Works to pay £470l. to Commissioners of Woods for the property of the Crown, and such property thereupon to vest in the Commissioners of Works for the purposes of this act.

5. Maximum sum payable for making up deficiency in rates to be increased.

6. If the defendant shall plead the general issue in any action he may give the special matter in evidence.

7. Short title.

## CAP. XXXIV.

An Act to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in Ireland, and to further provide for the Erection of Dwellings for the Labouring Poor in Ireland. [11th July, 1861.]

Sect. 1. Loans may be made for the erection of dwellings for labourers and their families, notwithstanding previous loans.

## CAP. XXXV.

An Act to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively; and for other Purposes. [22nd July, 1861.]

Sect. 1. *Provision for the increase of facilities for the transfer of stocks and annuities.*

2. *Provision for limiting periods for closing the books against mutual transfer of stocks, &c. in England and Ireland.*

3. *Extending the powers of stat. 56 Geo. 3, c. 60, as to the retransfer of unclaimed dividends and stock.*

4. *Sections 11 and 12 of stat. 5 Geo. 4, c. 53, repealed.*

Sect. 1. It shall be lawful for the said Governor and Company of the Bank of Ireland to close the books for the transfer of the said several stocks and annuities on any day not exceeding fifteen days prior to that on which the dividends thereon respectively shall by law be payable; and the persons or person who on the day of the closing of such books was or were inscribed as the proprietor or proprietors of any share or shares of and in such stocks and annuities respectively shall, as between him, her, or them, and the transferee or transferees thereof, be the person or persons entitled to the then current half-year's dividend thereon; and the person or persons to whom any transfer shall be made after the day of the closing of such books shall not be entitled to the then current half-year's dividend on such stock, but shall take and accept the same exclusive of the right to the said half-yearly dividend.

2. And whereas it is desirable to increase the facilities for the mutual transfer of capital in the public stocks, annuities, or funds transferable at the Banks of England and Ireland respectively, and to curtail the time during which the books of the said Governor and Company of the Bank of England and of the said Governor and Company of the Bank of Ireland respectively are now by law closed against such transfers: be it therefore enacted, that it shall not be lawful for any person or persons to make any transfer or transfers, for the purposes of the said act, of any stocks, funds, or annuities from England to Ireland, or from Ireland to England, respectively, during the period of three clear days preceding the day or days on which the books of the said Governor and Company of the Bank of England, and of the said Governor and Company of the Bank of Ireland, respectively, shall from time to time be closed for the purpose of dividend prior to the day or days fixed for payment of the same.

3. And whereas, by an act of her present Majesty's reign, passed in the last session of Parliament, intituled "An Act to make Provision as to Stocks and Dividends unclaimed in Ireland," and reciting an act of the 56 Geo. 3, c. 60, all the provisions of the said last-recited act were extended to all stocks, funds, and annuities constituting part of the national debt, and transferable at the Bank of Ireland, and to the dividends thereon, and to the Governor and Company of the Bank of Ireland and their officers, and to the Court of Chancery in Ireland: and whereas by the said recited acts power is vested in the governor and deputy governor of the Bank of Ireland for the time being to authorise and direct the accountant-general or secretary of the Governor and Company of the Bank of Ireland for the time being to retransfer any capital stock which shall have been transferred to the Commissioners for the Reduction of the National Debt under the circumstances therein mentioned: and whereas it is expedient to extend the authority in the said acts contained to the deputy accountant-general and deputy or assistant secretary for the time being of the said Governor and Company of the Bank of Ireland: be it therefore enacted, that all transfers directed to be made under the provisions in that behalf contained in the said recited acts, or any of them, to and from the account of the said commissioners, shall be as valid and effectual, if made by the deputy accountant-general or the deputy or assistant secretary of the said Governor and Company of the Bank of Ireland for time being, as if the same had been made by the accountant-general or secretary of the said governor and company for the time being.

4. The 11th and 12th sections of the act 5 Geo. 4, c. 53, are hereby repealed.

## CAP. XXXVI.

An Act to amend the Boundaries of Burghs Extension (Scotland) Act. [22nd July, 1861.]

Sect. 1. Extended district may be formed into wards, or annexed to existing wards, by the sheriff, on application of the town council.

2. Notice of limits of wards and number of councillors to be published.

3. Sheriff may act when extended boundaries are in another county.

4. Expenses to be paid by town council.

CAP. XXXVII.

An Act to simplify the Mode of raising the Assessment for the Poor in Scotland. [22nd July, 1861.]

Sect. 1. So much of sect. 34 of the 8 & 9 Vict. c. 83, as to the means and substance mode of assessment abolished.

CAP. XXXVIII.

An Act to authorise the Inclosure of certain Lands, in pursuance of a Special Report of the Inclosure Commissioners. [22nd July, 1861.]

Sect. 1. Inclosures in schedule may be proceeded with.  
2. Short title.

SCHEDULE TO WHICH THIS ACT REFERS.

Inclosure.	County.	Date of Provisional Order.
Chaldon Commons . . .	Surrey . . .	Jan. 10, 1861.
Llanfhangal Rhydythion . . .	Radnor . . .	Feb. 7, 1861.
Ambleside . . .	Westmoreland . . .	Jan. 24, 1861.
Thorpe Low Common . . .	Norfolk . . .	Mar. 14, 1861.
High and Low Hartsopp Pastures . . .	Westmoreland . . .	Feb. 28, 1861.
Llanddew Common . . .	Brecon . . .	Nov. 29, 1860.
Talwen Common . . .	Brecon . . .	Nov. 29, 1860.
Armscote Field . . .	Worcester . . .	April 11, 1861.
Llanfhangal-fechan . . .	Brecon . . .	Nov. 29, 1860.
Garthbrenny Common . . .	Brecon . . .	Nov. 29, 1860.
Merthyr Cynog . . .	Brecon . . .	Nov. 29, 1860.
Thoralby . . .	York . . .	April 25, 1861.
Whichwood (Pudlicot) . . .	Oxford . . .	April 25, 1861.
East Orchard . . .	Dorset . . .	May 17, 1860.
Dilwyn . . .	Hereford . . .	Mar. 14, 1861.
Walderton Down . . .	Sussex . . .	April 25, 1861.
Talachddu . . .	Brecon . . .	April 25, 1861.
Loweswater . . .	Cumberland . . .	April 22, 1861.
Bedworth . . .	Warwick . . .	April 25, 1860.
Uphire . . .	Essex . . .	Mar. 14, 1861.
Spencers Wood Common . . .	Berks . . .	Mar. 14, 1861.
Swallowfield . . .	Berks . . .	Mar. 14, 1861.
Cleeton . . .	Salop . . .	May 23, 1861.
Linton . . .	York . . .	April 25, 1861.
Writtle and Roxwell . . .	Essex . . .	June 6, 1861.
Radnor Forest . . .	Radnor . . .	Mar. 14, 1861.

CAP. XXXIX.

An Act to confirm certain Provisional Orders under the Local Government Act, 1858, relating to the Districts of Brighton, East Cowes, Preston, Morpeth, Bromsgrove, and Durham; and for other Purposes in relation thereto. [22nd July, 1861.]

CAP. XL.

An Act to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein, and in the Hundred of St. Briavels, in the County of Gloucester. [22nd July, 1861.]

The preamble recites stat. 1 & 2 Vict. c. 43.

Sect. 1. Declaration of the interest conferred on a galee by the grant of a gale.

2. Conditions on which all leases of stone, clay, or sand are held.

3. Nothing in act to affect right of re-entry, &c.

4. Person in actual possession or receipt of proceeds of gale to pay the rent.

5. Empowering the gaveller to sue in county court.

6. Enlarging the powers conferred by the 25th section of the recited act as to leases of land for mining purposes.

7. Provision as to the days for the cesser and determination of the galeage and other rents.

8. Extending powers of the arbitrator under the 27th, 47th, and other sections of the recited act.

9. Power to gavelier or deputy gavelier to refuse the registry of any transfer until the rent has been paid.

10. As to the form of minute of registry.

11. Power to refuse the registry of any transfer which is imperfect.

12. Gaveller or deputy gaveller empowered to indorse memorandum of entry of transfer on the last preceding transfer, instead of upon the original certificate of the grant of a gale.

13. Provision as to fee for entry of minute of transfer.

14. All unregistered transfers to be void.

15. Empowering the Commissioners of Woods to grant licenses to sink pits, and to use or exercise other rights and easements, &c. in inclosures and other lands in the forest.

16. Varying the powers of the gavelier as to awarding compensation for surface damage to inclosed lands.

17. Commissioners of Woods may grant leases of any clay or sand which may be found in any mine or pit.

18. Varying the third rule relating to surrender of quarries by substituting Michaelmas day for Lady-day.

19. All gales of coal or iron mines, and all gales or leases of quarries determined by notice, to be void without any deed, surrender, or other act.

20. Surrenders other than by notice may be made and accepted by the gavelier on behalf of her Majesty.

21. Gaveller or deputy gaveller, with consent of owners, may unite or divide two or more gales or parts of gales, and regrant them to the persons entitled after surrender duly made.

22. All instruments already made or hereafter to be made by or on behalf of her Majesty in relation to the forest or hundred to be exempt from stamp duty.

23. Gaveller or deputy gaveller to settle any disputes as to boundaries, and to alter (with consent of owners) the boundaries of any adjoining gales.

24. Power to the gavelier or deputy gavelier to license the working and disposing of the coal in any barrier.

25. Explaining the provisions of the 10 Geo. 4, c. 50, and the 1 & 2 Vict. c. 42, as to trespasses in the forest.

26. Provision as to woodmen's or labourers' cottages in the forest.

27. All acts authorised to be done by the Commissioners of Woods, &c. may be done by one.

28. Stat. 1 & 2 Vict. c. 43, and this act to be construed as one.

CAP. XLI.

An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham, in the County of Kent, and to embank Part of the River Medway; and for other Purposes connected therewith. [22nd July, 1861.]

Sect. 1. Interpretation of terms.

2. Certain clauses of the 8 & 9 Vict. c. 18, incorporated.

3. Power to Admiralty to purchase lands.

4. Power to the commissioners to stop up creeks, and abolish landing-places, ferries, and roads.

5. Before abolishing certain existing landing-places, Admiralty to construct a public wharf at the eastern side of the proposed new boundary wall of the dockyard.

6. Power to the commissioners to make embankments.

7. Power to the Admiralty to stop up sewers, &c.

8. Power to survey.

9. Lands purchased to be liable to land tax.

10. Services of notices, &c.

11. Power for the Admiralty to withdraw notice.

12. Errors on plan or in book of reference may be corrected by justices, who shall certify the same. Certificate, &c. to be deposited.

13. Undertaking in lieu of bond.

14. Power for the Admiralty to sell and let lands.

15. How purchase money to be paid.

16. On payment of money purchasers to stand seised of lands purchased by them.

17. Admiralty may sue and be sued, and pay and recover costs.

18. Purchase money, &c., how to be provided.

19. Provisions of the act may be applied to any of the lands already purchased.

20. Nothing to lessen the powers of the Admiralty.

21. Protection to commissioners.

22. Any two commissioners may execute powers.

23. Lord High Admiral to have the same powers as commissioners.

24. Saving rights of the Crown.

25. Saving rights of the corporation of Rochester.

- 26. Saving rights of the corporation of London.
- 27. Powers for compulsory purchases limited.
- 28. Short title.

## CAP. XLII.

An Act to continue the Duties levied on Coal and Wine by the Corporation of London. [22nd July, 1861.]

The preamble recites stats. 1 & 2 Will. 4, c. 76; 1 & 2 Vict. c. 101; 8 & 9 Vict. c. 101; and 14 & 15 Vict. c. 146.

- Sect. 1. Continuation of wine duties.
- 2. Continuance of coal duties.
- 3. Metropolitan police district substituted for the London district.
- 4. Commencement of metropolitan police district to be marked in canals, railways, and roads.
- 5. Application of duties.
- 6. Application of the duty of 4d. to the payment of the interest and principal of sums charged thereupon for improvements.
- 7. Drawback upon coals to continue to be allowed.
- 8. Duty to be laid out, and form an accumulating fund for improvements till appropriated by Parliament.
- 9. Consolidation of improvement funds.
- 10. Continuance of above-mentioned acts, except as altered.
- 11. Short title.

## CAP. XLIII.

An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in Ireland by the Prevention of frivolous or fictitious Defences to Actions thereon.

[22nd July, 1861.]

- Sect. 1. *From and after the 31st October, 1861, all actions upon bills of exchange, &c. may, if the plaintiff desires to proceed under this act, be in the form prescribed by the 16 & 17 Vict. c. 113, with additions thereto, as herein specified.*
- 2. *The defendant shewing a defence upon the merits to have leave to appear.*
- 3. *Judge may, under special circumstances, set aside judgment.*
- 4. *Judge may order bill to be deposited with officer of court in certain cases.*
- 5. *Remedy for the recovery of expenses of noting non-acceptance of dishonoured bill.*
- 6. *Common-law Procedure Acts, and rules made under them, incorporated.*
- 7. *Judges to frame rules.*
- 8. *Extent of act.*
- 9. *Short title.*

Sect. 1. From and after the 31st October, 1861, all actions upon bills of exchange or promissory notes, commenced within six months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this act, be commenced as hereinafter mentioned; that is to say, the summons and plaint shall be in the form prescribed by the Common-law Procedure Amendment Act (Ireland), 1853; but, in addition thereto, and to any particulars or indorsements required by the said act, such summons and plaint shall have at the head thereof a notice in the form contained in the Schedule (A.) to this act annexed; and in any case in which the summons and plaint shall be in such form, it shall not be lawful for the defendant to file any appearance or defence to the said action unless he shall obtain leave from a judge, as hereinafter mentioned, so to appear and defend; and in default of his obtaining such leave, or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to mark judgment with costs, in pursuance of the provisions of the Common-law Procedure Amendment Act (Ireland), 1853, for any sum not exceeding the sum mentioned in the notice at the commencement of the summons and plaint.

2. A judge of any of the superior courts of common law in Ireland may, upon application made within the period of twelve days from such service, or at any time before judgment marked, give leave to appear and defend such action, on the defendant paying into court the sum claimed by the summons and plaint, or upon affidavits, satisfactory to the judge, which disclose a legal or equitable defence, or such

facts as would make it incumbent on the holder to prove consideration, or such other facts as the judge may deem sufficient to support the application, and on such terms, as to security or otherwise, as to the judge may seem fit.

3. After judgment the court or a judge may, under special circumstances, set aside the judgment, and, if necessary, stay or set aside execution, and may give leave to appear and defend the action, if it shall appear to be reasonable to the court or judge to do so, and on such terms as to the court or judge may seem just.

4. In any proceedings under this act it shall be competent to the court or a judge to order the bill or note sought to be proceeded upon to be forthwith deposited with an officer of the court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

5. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise by reason of such dishonour, as he has under this act for the recovery of the amount of such bill or note.

6. The provisions of the Common-law Procedure Amendment Act (Ireland), 1853, and the Common-law Procedure Amendment Act (Ireland), 1856, and all rules made under or by virtue of either of the said acts, shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this act.

7. The judges of the superior courts of common law in Ireland shall have power to frame all rules and process necessary thereto.

8. This act shall apply to Ireland only.

9. In citing this act in any instrument, document, or proceeding, it shall be sufficient to use the expression "The Summary Procedure on Bills of Exchange (Ireland) Act, 1861."

## SCHEDULE REFERRED TO IN THE FOREGOING ACT.

(A.)

*The following notice is to be printed at the commencement of the summons and plaint, and before the name and title of her Majesty.*

The defendant [Richard Roe] is hereby warned and required to take notice,

That this action, being brought on the under-mentioned bill of exchange (or promissory note), is brought under the Summary Procedure on Bills of Exchange (Ireland) Act, 1861; and that unless within twelve days from the service hereof he shall obtain leave from one of the judges of the superior courts of law in Dublin to appear and defend the action, and shall within that time file his appearance and defence, the plaintiff [John James] will be entitled, without any further notice whatever, to issue execution against him for the sum of £— [here state the sum claimed], and the costs of this action.

Leave to appear may be obtained on application to any of the judges, supported by affidavit, shewing that there is a defence to the action on the merits, or that it is reasonable that the defendant should be allowed to appear and defend the action, or by lodging the amount claimed in court.

## CAP. XLIV.

An Act to remove Doubts respecting the Authority of the Legislature of Queensland, and to annex certain Territories to the Colony of South Australia; and for other Purposes.

[22nd July, 1861.]

The preamble recites stats. 5 & 6 Vict. c. 76, and 18 & 19 Vict. c. 54, sched. 1, s. 46.

Sect. 1. Certain territories detached from New South Wales and annexed to South Australia.

2. Power to annex to existing colonies territories now part of New South Wales.

3. All provisions of letters-patent of the 6th June, 1853, and proceedings thereunder of government, &c. of Queensland, to be valid.

4. Sect. 7 of the 18 & 19 Vict. c. 54, repealed.

5. Provision for determining boundaries.

6. Providing mode of apportioning public debt in the event of any territory being separated from any Australian colony.

CAP. XLV.

An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland.  
[1st August, 1861.]

- Sect. 1. Short title.  
2. Interpretation of terms.  
3. Persons may apply to Board of Trade to grant provisional orders.  
4. Subscribers to memorial to be promoters.  
5. Promoters to deposit copies of memorial and plans at the office of the clerk of the peace. Notices of deposit to be given by advertisement.  
6. Promoters to deposit plans with the Admiralty.  
7. Application of the 14 & 15 Vict. c. 49, to this act.  
8. Power to the Admiralty to remove works not approved by them.  
9. Regulations as to levying of rates upon application to the Board of Trade. Publication of schedule. Deposit of schedule with the clerks of the peace. Deposit of schedule with the Board of Trade. Shipowners, traders, &c. may forward objections to the Board of Trade. The Board of Trade to adjust the schedule, and may empower the promoters to levy rates.  
10. Consent of Commissioners of Woods, &c. to be obtained.  
11. Saving rights of the Crown.  
12. Saving rights of the Duchy of Cornwall.  
13. Saving rights of the conservators of the rivers Thames and Mersey, &c.  
14. Promoters not to do any act which shall prejudice any right acquired by royal charter, &c.  
15. The Board of Trade may grant provisional orders, subject to provisions herein named.  
16. Order to be deposited with the clerk of the peace. Notice of deposit by advertisement. The Board of Trade to obtain confirmation of provisional order by Parliament.  
17. Where petition presented against an order, bill confirming the same may be referred to a select committee.  
18. Orders, &c. to be signed by one of the secretaries, &c. of the Board of Trade, or by the Secretary of the Admiralty.  
19. The Board of Trade to report to Parliament.  
20. Power to the Secretary of State for War to take and hold land, &c., for batteries, &c.

CAP. XLVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.  
[1st August, 1861.]

CAP. XLVII.

An Act to facilitate the Construction and Improvement of Harbours, by authorising Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes.  
[1st August, 1861.]

- Sect. 1. Short title.  
2. Interpretation of terms:—"Board of Trade;" "harbour;" "harbour authority;" "limited estate;" "settlement;" "pilotage authority;" "shipping purposes;" "differential dues."  
3. Advances of money to harbour authorities.  
4. Abolition of passing tolls.  
5. Indemnity to creditors on passing tolls.  
6. Abolition of dues leviable by charitable authorities.  
7. Dues levied for shipping purposes on ships or goods which derive no benefit.  
8. Provision for payment of pensions granted before the 15th March, 1861, and for application of surplus.  
9. List of pensions to be made out and sent to the Board of Trade.  
10. Abolition of differential dues.  
11. Compensation for differential dues, when to cease.  
12. Compensation, whilst continued, to be limited.  
13. Commutation of compensation.  
14. Indemnity to public authorities.  
15. Power to recover increased dues.  
16. Saving of rights of creditors.  
17. Power to transfer dues.

18. Notice of intended transfer to be given.  
19. Evidence of transfer.  
20. Power to borrow money in order to effect such transfer.  
21. Abolition of special taxes at Dublin.  
22. Transfer of Ramsgate Harbour to the Board of Trade.  
23. Transfer of powers to the Board of Trade.  
24. Debts, &c. of trustees enforceable against the Board of Trade.  
25. Accounts of the trustees of Ramsgate Harbour to be made up.  
26. Indemnification of trustees of Ramsgate Harbour.  
27. Rates to be taken in Ramsgate Harbour.  
28. Board of Trade to receive per-centage on salvage.  
29. Gross sum of 2000*l.* to be paid to the mayor of Sandwich, in lieu of the annual payment of 200*l.*  
30. Application of the said sum of 2000*l.*  
31. Income of Ramsgate Harbour to be carried to the Ramsgate Harbour account.  
32. Ramsgate Harbour accounts to be rendered to the Treasury, and signed by the accountant of the Board of Trade.  
33. Such accounts to be laid before Parliament.  
34. Board of Trade may continue Ramsgate Harbour superannuation fund, or wind up the same.  
35. Board of Trade may allow compensation to persons deprived of offices.  
36. Deficiency of income to be supplied by monies voted by Parliament.  
37. Harbour to be free from rates.  
38. Town dues on coal not to be levied in certain cases.  
1 & 2 Vict. c. lxx (local).  
39. Provisions of stat. 10 & 11 Vict. c. 17, incorporated with this act.  
40. Certain parts of property of trust to be within Ramsgate police jurisdiction. 1 & 2 Vict. c. lxx (local).  
41. Harbour of Dover to be vested in a board of trustees, to be called "The Dover Harbour Board."  
42. Rights of imposing rates transferred to the Dover Harbour Board.  
43. Existing debts, &c. enforceable by or against the board.  
44. After the 1st January, 1862, the board may impose rates for harbour purposes.  
45. Debts incurred prior to the 15th March, 1861, and secured on passing tolls, shall be paid by the board out of rates.  
46. Compensation to officers not re-appointed by board to offices of equal value.  
47. Constitution of Dover Harbour Board.  
48. Members of board not to hold places of profit or be concerned in contracts. Penalty for so offending. Contracts and bargains made contrary hereto to be void.  
49. If the debts are paid out of public monies, they may be recovered as debts due to the Crown.  
50. No new debts to be incurred till existing debts are discharged, without Treasury consent.  
51. Power to corporation of Dover to transfer dues to harbour.  
52. The corporation and the harbour board may apportion debts as between themselves.  
53. Reservation of rights of creditors.  
54. Debts on Whitby and Bridlington Harbours to be paid out of the Consolidated Fund.  
55. Compensation to servants of the Whitby trustees.  
56. Trustees and commissioners not to charge passing tolls with further debts.  
57. Power to the trustees of Whitby Harbour to levy rates.  
58. Power to the town commissioners of Whitby to transfer dues to harbour.  
59. Reservation of rights of creditors.  
60. Trustees and commissioners may apportion debt as between themselves.  
61. Vessels using Whitby Harbour to pay toll for support of tide-lights.  
62. Power to the commissioners of Bridlington Harbour to levy rates.  
63. Incorporation of Harbours, Docks, and Piers Clauses Act.  
64. Nothing in stat. 22 & 23 Vict. c. 29, deemed to revive taxes, &c. which, but for the 9 & 10 Vict. c. cccxvi, would have been payable to the Marine Society.  
65. Title of Board of Trade.



66. Vesting of property in Board of Trade.
67. Execution of instrument.
68. Disposition of monies arising from sale.
69. Power of Board of Trade to purchase lands.

## CAP. XLVIII.

An Act to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) Act, 1860. [1st August, 1861.]

The preamble recites the 23 & 24 Vict. c. 154.

Sect. 1. Five or more chairmen of quarter sessions in Ireland to be appointed by the Lord Chancellor to fix a scale of fees, and to make regulations as to taxation of costs.

2. Fees, &c. so fixed shall alone be allowed to be taken in any proceeding under the enlarged jurisdiction given by the said recited act.

3. The 14 & 15 Vict. c. 57, and the 21 & 22 Vict. c. 88, to be construed with this act as one act. Interpretation of terms.

## CAP. XLIX.

An Act to enable Justices in Ireland to commit to local Bridewells Persons convicted of Drunkenness. [1st August, 1861.]

Sect. 1. Short title.

2. Commitment for drunkenness for a period not more than forty-eight hours may be to a local, although not a district or certified, bridewell.

## CAP. L.

An Act for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland. [1st August, 1861.]

Sect. 1. *Mortgages and bonds by railway companies bearing a certain stamp duty may be transferred by indorsement.*

2. *Indorsements to be exempt from stamp duty, and to have the effect of assignments.*

3. "Person."

4. *Short title.*

Whereas, by an act passed in the 16 & 17 Vict. c. 59, it is provided, that "where, on the original making and issuing of any bond or mortgage given by public companies under the provisions of acts of Parliament, as securities for money which such companies are by the said acts expressly empowered or authorised to borrow, and before any transfer or assignment thereof, such bond or mortgage shall be stamped with an amount of stamp duty equal to three times the amount of the ad valorem stamp duty chargeable thereon by law, and over and above the said ad valorem duty, then every transfer or assignment thereafter made of such bond or mortgage, by indorsement thereon, shall be deemed to be exempt from the stamp duty which would otherwise be payable in respect of such transfer or assignment:" and whereas it is expedient to make provision for regulating the force and effect of bonds and mortgages so stamped granted by railway companies in Scotland, and of the transfer or assignment thereof by indorsement thereon: be it enacted &c. as follows:—

Sect. 1. From and after the passing of this act, any person entitled to any mortgage or bond granted by any railway company in Scotland, under the powers contained in any act of Parliament, may from time to time transfer his right to and interest in such mortgage or bond to any other person by signing on the back of such mortgage or bond an indorsement in the form prescribed by the schedule to this act, or to the like effect: provided always, that such mortgage or bond shall, on the original making and issuing thereof, and before any transfer or assignment thereof, have been stamped with an amount of stamp duty equal to three times the amount of the ad valorem stamp duty chargeable thereon by law, and over and above the said ad valorem duty, and have been duly registered in the books of such company, in terms of the Companies Clauses Consolidation (Scotland) Act, 1845.

2. Every such indorsement shall be exempt from stamp duty, and shall have the same force and effect, in all respects, as the transfer of any mortgage or bond by deed executed according to the form, and registered in the terms of the

provisions, prescribed by the said Companies Clauses Consolidation (Scotland) Act, 1845.

3. In this act the expression "person" shall include company, firms, and incorporations.

4. In citing this act it shall be sufficient for all purposes to use the expression "The Railway Companies Mortgage Transfer (Scotland) Act, 1861."

## SCHEDULE.

*Form of Indorsement.*

I, A. B., of —, transfer to C. D., of —.

In witness whereof I have subscribed this indorsement at —, on the — day of —, before these witnesses, B. F., of —, and G. H., of —.

[Signature of indorser.]

[Signatures of witnesses.]

## CAP. LI.

An Act for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes. [1st August, 1861.]

The preamble recites the 23 & 24 Vict. c. 135.

Sect. 1. Provision for pensions.

2. Exemption from deduction from pay authorised by sect. 22 of the 2 & 3 Vict. c. 47.

3. Penalty for assaulting, &c. police when in execution of their duty. Application of penalties.

## CAP. LII.

An Act to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies. [1st August, 1861.]

The preamble recites the 18 & 19 Vict. c. 119.

Sect. 1. Power to governors of the Australasian colonies to proclaim rules as to the number of passengers to be carried, &c. in ships plying between the Australasian ports.

2. While proclamation in force, rules of the Imperial Passengers Act on the same subject not to apply to such inter-colonial voyages.

3. Requirements of proclamations to be enforced in all British possessions, as if they were part of the Imperial Passengers Act.

4. Interpretation of terms.

## CAP. LIII.

An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers. [1st August, 1861.]

Sect. 1. *Electors to vote by means of voting papers.*

2. *Voting papers to be read, and votes recorded.*

3. *Voting papers may be inspected by any person now entitled to object to votes.*

4. *Voting papers to be filed.*

5. *Penalty for falsely signing voting papers.*

6. *Voting papers not liable to stamp duty.*

Whereas it is expedient to afford greater facilities for voting to the electors at elections for burgesses to serve in Parliament for the Universities of Oxford, Cambridge, and Dublin: be it enacted &c. as follows:—

Sect. 1. It shall be lawful for such electors, in lieu of attending to vote in person, to nominate any other elector or electors of the same university, competent to make the declaration hereinafter mentioned, to deliver for them at the poll voting papers containing their votes, as by this act provided. Every such voting paper shall bear date subsequently to notice given by the returning officer of the day for proceeding to election, and shall contain the name or names of the candidate or candidates thereby voted for, and the name or names of the elector or electors authorised on behalf of the voter to tender such voting paper at the poll, and shall be according to the form or to the effect prescribed in the schedule to this act annexed. Such voting paper, the aforesaid dates and names being previously filled in, shall, on any day subsequent to notice given by the returning officer of the day for proceeding to election, be signed by the voter in the presence of a justice of the peace for the county or borough

in which such voter shall be then residing; and the said justice shall certify and attest the fact of such voting paper having been so signed in his presence, by signing at the foot thereof a certificate or attestation, in the form or to the effect prescribed in the said schedule, with his name and address in full, and shall state his quality as a justice of the peace for such county or borough.

2. The voting paper, signed and certified as aforesaid, may be delivered to the vice-chancellor of the university for which the election is held, or to any pro vice-chancellor appointed by him, or, in the case of the University of Dublin, to the provost of Trinity College, or to any person lawfully deputed to act for him, at any one of the appointed polling places, during the appointed hours of polling, by any one of the persons therein nominated in that behalf, who shall, on tendering such voting paper at the poll, read out the same; and the said vice-chancellor, pro vice-chancellor, provost, or deputy shall receive the voting papers as the same shall be delivered, and shall cause the votes thereby given, or such of them as may not appear to be contrary to the provisions of this act, to be recorded in the manner heretofore used, in all respects as if such votes had been given by the electors attending in person; and all votes so recorded shall have the same validity and effect as if they had been duly given by the voters in person: provided always, that no person shall be entitled to sign or vote by more than one voting paper at any election, and that no voting paper containing the names of more candidates than there are burgesses to be elected at such election shall be received or recorded: provided also, that no voting paper shall be received or recorded unless the person tendering the same shall make the following declaration, which he shall sign at the foot or back thereof:—

“I solemnly declare that I am personally acquainted with A. B. [the voter], and I verily believe that this is the paper by which he intends to vote, pursuant to the provisions of the Universities Elections Act.”

Provided also, that no voting paper shall be so received and recorded if the voter signing the same shall have already voted in person at the same election: provided also, that every such elector shall be entitled to vote in person, notwithstanding that he has duly signed and transmitted a voting paper to another elector, if such voting paper has not been already tendered at the poll.

3. It shall be lawful for any person now by law or custom authorised on behalf of any candidate to object to votes to inspect any voting paper tendered at the poll before the same shall be received or recorded, and to object to it on one or more of the following grounds:—

- (1). That the person on whose behalf the voting paper is tendered is not qualified to vote:
- (2). That the person tendering the voting paper is not duly qualified in that behalf:
- (3). That the person in whose behalf the voting paper is tendered has already voted at that election in person or by voting paper:
- (4). That the voting paper bears date anterior to notice given by the returning officer of the day for proceeding to election:
- (5). That the voting paper is forged or falsified:

And the returning officer, his deputy or assessor, or any officer having by law or custom power to decide objections in respect of votes tendered by voters attending the poll in person, shall have power to put questions to the person tendering such voting paper, and to reject, receive, and record, or receive and record as objected to or protested against, any votes tendered by voting papers: provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such returning or other officer shall receive and record such voting paper, having previously written upon it, “Objected to as forged,” or “Objected to as falsified,” together with the name of the person making such objection.

4. All voting papers received and recorded at such election, as well as any voting papers rejected for informality or on any other ground, shall be filed and kept by the officer entrusted with the care of the poll-books or other documents relating to the said election; and any person shall be allowed to examine such voting papers at all reasonable times, and to take copies thereof, upon payment of a fee of 1s.

5. Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as

a witness, whether such other person shall be living or dead, and every person signing, subscribing, indorsing, attesting, certifying, tendering, or transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, and any person falsely making any such declaration as aforesaid, or such declaration as is contained in the schedule, or with fraudulent intent altering, defacing, destroying, withholding, or abstracting any voting paper, and any person wilfully making a false answer to any question put to him by the returning or other officer, as hereinbefore provided, shall be guilty of a misdemeanour, and punishable by fine or imprisonment for a term not exceeding one year.

6. No such voting paper as hereinbefore mentioned shall be liable to any stamp duty.

#### SCHEDULE.

##### University Election, 18—.

I, A. B. [the Christian and surnames of the elector in full, his college or hall, if any, and his degree or academical rank or office, if any, to be here inserted], do hereby declare, that I have signed no other voting paper at this election, and do hereby give my vote at this election for

And I nominate C. D.

E. F.

G. H.

or one of them, to deliver this voting paper at the poll.

Witness my hand this — day of —, 18—.

(Signed) A. B., of [the elector's place of residence to be here inserted.]

Signed in my presence by the said A. B., who is personally known to me, on the above-mentioned — day of —, 18—, the name [or names] of — as the candidate [or candidates] voted for having been previously filled in.

(Signed) Z. M., of [the witness's place of residence to be here inserted],  
A justice of the peace for—.

#### CAP. LIV.

An Act to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there.

[1st August, 1861.]

- Sect. 1. *Appointments not in accordance with the 33 Geo. 3 c. 52, void.*
2. *Vacancies in offices to be supplied by covenanted civil servants.*
3. *Persons not covenanted civil servants may, under special circumstances, be appointed to such offices, subject to certain restrictions.*
4. *Such appointment in each case to be reported to the Secretary of State.*
5. *Certain offices may be filled up without regard to restrictions prescribed by recited act.*
6. *Act not to apply to offices of lieutenant-governor, &c.*
7. *So much of the 33 Geo. 3, c. 52, as requires seniority, &c. for appointments, repealed.*

Whereas, by sect. 56 of an act of the 33 Geo. 3, c. 52, it was enacted that all the civil servants of the East India Company in India, under the rank or degree of members of council, should have and be entitled to precedence in the service of the said company, at their respective stations, according to their seniority of appointment, and that no such civil servant should be capable of being advanced or promoted to any higher station, rank, or degree therein than he should be entitled to according to the length of his service; and by sect. 57 of the same act it was enacted that all vacancies happening in any of the offices, places, or employments in the civil line of the company's service in India (being under the degree of counsellor) should be from time to time filled up and supplied from amongst the civil servants of the said company belonging to the presidency wherein such vacancies should respectively happen: and whereas, by reason of the exigencies of the public service, vacancies in certain offices, places, and employments in India have been filled up by the appointment of persons not being civil servants, or not being civil servants belonging to the presidency wherein the vacancies have happened, and otherwise not in accordance with the provisions of the said enactments, and it is expedient that

such appointments should be rendered valid, and also that the authorities in India should be empowered to make such appointments in like cases in future: be it enacted &c. as follows:—

Sect. 1. All appointments made by the authorities in India to any such offices, places, or employments, shall be and be deemed to have been as valid and effectual as if the act hereinbefore recited or referred to had not been passed.

2. All vacancies happening in any of the offices, places, or employments specified in the schedule annexed to this act, and all such offices which may be created hereafter, shall be filled up and supplied, except as hereinafter provided, from amongst the covenanted civil servants of the Crown in India.

3. Where it appears to the authority in India by whom an appointment should be made to any office, place, or employment specified in the said schedule, that such appointment, under the special circumstances of the case, should be made without regard to the recited qualifications, conditions, and restrictions of the said act, it shall be lawful for such authority to make such appointment accordingly: provided that no person shall be so appointed who has not resided for at least seven years in India, and that every person, previously to his being so appointed to any of the offices in the revenue and judicial departments specified in the said schedule, shall pass an examination in the vernacular language of the district in which he is to be employed, where such examination is now required, and shall be subject to all the departmental tests and other qualifications and restrictions which are or may be imposed in the like case on covenanted civil servants.

4. Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same; and unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of members present at a meeting, and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled.

5. All vacancies happening in any other offices, places, or employments than those mentioned in the said schedule, and all other offices than those so mentioned that may hereafter be created in India, may be filled up and supplied without regard to the qualifications, conditions, and restrictions prescribed by the said act.

6. Provided always, that this act shall not apply to the office of lieutenant-governor of any part of her Majesty's dominions in India, or to any offices for the supply of which provision may be made by any other act of the present session of Parliament.

7. Sect. 56 of the said act of the 33 Geo. 3, [c. 52], and so much of the other sections of the said act and of any other act now in force as requires seniority as a condition or qualification for the appointment of civil servants to offices, places, or employments, shall be repealed.

#### SCHEDULE.

Secretaries, junior secretaries, and under secretaries to the several governments in India, except the secretaries, junior secretaries, and under secretaries in the military, marine, and public works departments.

Accountant-General.

Civil auditor.

Sub-treasurer.

#### Judicial.

1. Civil and session judges, or chief judicial officers of districts, in the provinces now known as Regulation Provinces.

2. Additional and assistant judges in the said provinces.

3. Magistrates or chief magisterial officers of districts in the said provinces.

4. Joint magistrates in the said provinces.

5. Assistant magistrates or assistants to magistrates in the said provinces.

#### Revenue.

1. Members of the board of revenue in the presidencies of Bengal and Madras.

2. Secretaries to the said boards of revenue.

3. Commissioners of revenue, or chief revenue officers of divisions, in the provinces now known as Regulation Provinces.

4. Collectors of revenue or chief revenue officers of districts in the said provinces.

5. Deputy or subordinate collectors, where combined with the office of joint magistrate in the said provinces.

6. Assistant collectors or assistants to collectors in the said provinces.

7. Salt agents.

8. Controller of salt chowkies.

9. Commissioners of customs, salt, and opium.

10. Opium agents.

#### CAP. LV.

An Act to amend the Laws regarding the Removal of the Poor, and the Contribution of Parishes to the Common Fund in Unions. [1st August, 1861.]

Sect. 1. *So much of sect. 1 of the 9 & 10 Vict. c. 66, as prescribes a residence of five years, to be altered to three years, &c.*

2. *Provision for orphan children under sixteen years of age.*

3. *Provision for deserted wives.*

4. *Chargeability of wayfarers.*

5. *Chargeability of sick persons.*

6. *Lunatics to be chargeable upon the common fund.*

7. *Orders in lunacy may be obtained by, or appealed against by, board of guardians. Proviso for pending appeals.*

8. *Chargeability of union paupers on the common fund made perpetual.*

9. *Parishes comprised in any union formed under the 4 & 5 Vict. c. 76, to contribute to the common fund according to the annual value of rateable property. Proviso as to liabilities. Proviso for contributions in arrear.*

10. *Mode of ascertaining the annual rateable value.*

11. *No order for contribution to be deemed void by reason of error in the calculation.*

12. *Interpretation of terms, and consolidation of the acts.*

Whereas it is desirable that the laws for the removal of the poor should be amended: be it therefore enacted &c. as follows:—

Sect. 1. That after the 25th March next the period of three years shall be substituted for that of five years specified in the 1st section of the 9 & 10 Vict. c. 66, and the residence of a person in any part of a union shall have the same effect, in reference to the provisions of the said section, as a residence in any parish.

2. Where a child under the age of sixteen years, residing with its surviving parent, shall be left an orphan, and such parent shall, at the time of death, have acquired an exemption from removal by reason of a continued residence, such orphan shall, if not otherwise irremovable, be exempt from removal in like manner, and to the same extent, as if it had then acquired for itself an exemption from removal by residence.

3. Where a married woman shall have been or shall be deserted by her husband, and shall, after his desertion, reside for three years in such a manner as would, if she were a widow, render her exempt from removal, she shall not be liable to be removed from the parish wherein she shall be resident, unless her husband return to cohabit with her.

4. Where any destitute wayfarer, wanderer, or foundling shall be or become chargeable upon the common fund of any union, the cost of the relief of such wayfarer, wanderer, or foundling shall continue to be charged to such common fund until the relief shall be discontinued.

5. When any person shall be or become chargeable upon the common fund of a union, by reason of some accident or sickness which will not produce permanent disability, the chargeability upon such fund shall cease when the person shall be cured; and thenceforth, if the relief continue, the cost thereof shall be charged to the parish where the poor person shall be then residing, unless he shall be in the workhouse of the union, and in such case it shall be charged to the parish wherein he was residing when he was removed to such workhouse, and the overseers of the parish so charged may apply for and obtain an order of removal.

6. The cost of the examination of any lunatic pauper, present or future, of his removal to and from, and his mainte-

nance in, any asylum, licensed house, or registered hospital, who would, under any provision of the 16 & 17 Vict. c. 97, be chargeable to a parish in a union, shall, from and after the 25th March next, be borne by the common fund of the union comprising such parish.

7. The guardians of any union may obtain orders upon the guardians of any other union, or upon the guardians or overseers of any parish not comprised in a union, or upon the treasurer of the county, and may appeal against or defend any orders in respect of any lunatic paupers hereby made chargeable upon the common fund of the union, in like manner and subject to the same incidents and provisions as are contained in the said last-cited act in respect of lunatic paupers chargeable to any parish in such union: provided that every appeal now pending may be continued and determined as though this act had not been passed.

8. The temporary provisions of the several statutes, whereby the costs of the relief, burial, and maintenance of certain paupers have been made chargeable upon the common fund of unions until the end of this session of Parliament, are hereby made perpetual.

9. And whereas it is also expedient to alter the mode in which the contributions of parishes to the common fund of the union in which they are comprised are now calculated: be it therefore enacted, that after the 25th March next the several parishes comprised in any union already formed, or hereafter to be formed, under the provisions of the 4 & 5 Will. 4, c. 78, shall contribute to the common fund thereof in proportion to the annual rateable value of the lands, tenements, and hereditaments in such parishes respectively assessable by the laws in force for the time being to the relief of the poor, and in no other manner, whether the lands, tenements, and hereditaments shall be actually rated or not, and whether the rate levied shall be collected in full or upon any composition: provided always, that nothing herein contained shall alter or affect the liability of any parish comprised in any such union in regard to any charge lawfully created in the said union, and secured upon the poor rates of all or any of the parishes comprised therein, which shall have been created at any time previous to the said 25th March, but the same shall continue to be charged and payable in like manner as it would by law have been charged and payable if this act had not been passed: provided also, that nothing herein contained shall apply to any contribution which shall be in arrear from any parish in such union on the said 25th March, but the same shall be recoverable and shall be applicable in the same manner as if this act had not been passed.

10. The guardians of every such union, in computing the amount of contribution to the common fund from the several parishes, shall take the annual rateable value of such property in every parish therein from the valuation upon which such parish was assessed to the county rate, or, where there is no county rate, to the borough or ward rate, or other rate in the nature of a county rate, in the last assessment made not less than one month next preceding the day when the order for such contribution is made.

11. No order of guardians for contribution purporting to be made in accordance with this act shall be deemed to be void by reason of any error in the estimate of the rateable value of the property in any parish in the union upon which the contribution shall have been calculated; but every parish affected by such error shall be entitled to have the same set right in the making out and closing of the accounts of the union, or at the audit thereof.

12. The words used in this act shall be construed in the like manner as in the said act of King William the Fourth; and the provisions contained therein, and in the subsequent acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this act.

#### CAP. LVI.

An Act to make Provision for Salaries for the Revising Barristers for the City of Dublin. [1st August, 1861.]

Sect. 1. Dublin revising barristers to be paid an annual salary in lieu of remuneration authorised by recited act.

2. Barristers appointed to act for others during illness to be paid out of their salaries.

3. The 20 & 21 Vict. c. 68, and this act to be as one.

#### CAP. LVII.

An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in Ireland. [1st August, 1861.]

#### CAP. LVIII.

An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in Ireland. [1st August, 1861.]

#### CAP. LIX.

An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination. [1st August, 1861.]

Sect. 1. *Short title.*

2. *As to institution of legal proceedings, and payment of expenses of the same.*

Whereas it is expedient to make further provisions in relation to proceedings before justices under the following acts; that is to say—

An act passed in the 3 & 4 Vict. c. 29, intituled "An Act to extend the Practice of Vaccination:"

An act passed in the 4 & 5 Vict. c. 32, intituled "An Act to amend an Act to extend the Practice of Vaccination:"

An act passed in the 16 & 17 Vict. c. 100, intituled "An Act further to extend and make compulsory the Practice of Vaccination:"

Be it enacted, &c. as follows:—

Sect. 1. This act may be cited for all purposes as "The Vaccination Acts Amendment Act, 1861."

2. The guardians of any union or parish, or the overseers of any parish where the relief to the poor is not administered by guardians, may appoint some person to institute and conduct proceedings for the purpose of enforcing obedience to the said acts, or any of them, within their union or parish; and as to all expenses incurred by any person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an act of Parliament, in proceedings for enforcing penalties under the said acts or any of them, if the justices or court before whom such proceedings are had certify that such expenses ought to be allowed, such court or justices shall ascertain the amount thereof, and such amount shall be payable out of the rates for the relief of the poor of the parish where the person for the time being dwells in respect of whose default or offence the same were instituted; and the court or justices shall ascertain the amount of such expenses. And proceedings for enforcing penalties under any of the said acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default.

#### CAP. LX.

An Act to amend the Act of the 13 & 14 Vict. c. 69, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland. [1st August, 1861.]

The preamble recites the 13 & 14 Vict. c. 69.

Sect. 1. The clerk of the peace and town clerk respectively shall publish lists of voters, &c. objected to, on or before the 24th August in each year.

2. This act incorporated with recited act.

#### CAP. LXI.

An Act to amend the Local Government Act. [1st August, 1861.]

Sect. 1. *Provision as to costs of proceedings with a view to adopting the Local Government Act, when that act is not adopted.*

2. *Every local authority invested with powers of town government may adopt any part of Local Government Act. Provision for election of such local authorities when elected for life at the time of adopting Local Government Act.*

3. *Accounts of improvement commissioners acquiring borrowing powers under Local Government Act to be subject to the provisions of that act relating to audit.*

4. *Local board may exercise powers of sect. 45 of the 11 & 12 Vict. c. 63, also without their district, if necessary, for purposes of outfall or distribution of sewage, on making compensation.*
5. *Previous notices of the intended works before commencement.*
6. *If objection be made by any party interested, the work not to be proceeded with without sanction of Secretary of State.*
7. *An inspector to be appointed to make inquiry on the spot, and report to the Secretary of State.*
8. *Yearly sum to be paid for premises without district drained into sewer within district.*
9. *Provision for repair of highways in parts of parishes or townships not included in districts under Local Government Act as herein stated.*
10. *Enabling local boards to act instead of inhabitants in vestry of townships in their districts in all matters arising under the provisions of the 5 & 6 Will. 4, c. 50.*
11. *Service of notices and repayment of costs under sects. 60, 70, 71, 73, and 74 of the 10 & 11 Vict. c. 34.*
12. *Special district rates leviable over same area as general district rates may be levied as part, and under the name, of such rates.*
13. *Debts due on special district rates may, with the sanction of the Secretary of State, and of mortgagees, and of owners and ratepayers, be repaid, and money raised for such repayment on credit of general district rate.*
14. *The sanction of the Secretary of State substituted for the sanction of the General Board of Health, which has ceased to exist.*
15. *Making up accounts for audit.*
16. *Before giving notice for paving, &c. streets not being highways, plans and sections to be deposited with local board.*
17. *Form of notice.*
18. *Interpretation of special act in construing the 8 & 9 Vict. c. 18, as to provisional orders.*
19. *Extension of powers given by sect. 78 of the 21 & 22 Vict. c. 104, to cases in which local boards incur expenses for permanent works, &c.*
20. *Local boards may make agreements for terms of water supply in certain cases.*
21. *Local boards of health may repair fences surrounding burial grounds.*
22. *Powers of local boards with respect to land purchased under the 21 & 22 Vict. c. 104.*
23. *Provision for recovery of charges for private improvements.*
24. *Demands below 20l. may be recovered in county courts.*
25. *Local board may make by-laws for licensing, &c. horses, boats, &c. for hire.*
26. *Sect. 69 of the 5 & 6 Will. 4, c. 50, to apply to incroachments on highways managed by local authority.*
27. *Repayment of costs by provisional orders.*
28. *No house to be brought forward without consent of local board.*
29. *Application of general acts to local boards of health.*
30. *Incorporation and construction of acts.*
31. *Short title.*

Whereas it is expedient to amend the Local Government Act, 1858: be it therefore enacted &c. as follows:—

Sect. 1. Ratepayers or owners making a requisition for the summoning of meetings for the purpose of deciding as to the adoption of the Local Government Act, 1858, shall, if required, give security, in a bond with two sufficient sureties, for repayment to the summoning officer, in the event of the act not being adopted, of the costs incurred in relation to such meetings, or polls taken in pursuance of any demand made at such meetings, the amount of the security to be given by such sureties, and their sufficiency, and the amount of such costs, to be settled by agreement between the summoning officer and such ratepayers or owners, or, in the event of disagreement between them, by any justice of the peace acting in and for the place in which it is proposed that the said act shall be adopted.

2. The power of adopting any part of the Local Government Act, 1858, given by the 15th section of that act to any corporation or body of commissioners exercising powers for sanitary regulation under the provisions of any local act, shall extend to every local authority invested with powers of town government and rating by any local act, by whatever name such local authority is called, and the words "local board" or "board of commissioners," as used in the said Local Government Act, shall apply to such local authority: provided always, that whenever the members of such local authority are elected for life, they shall adopt, in lieu of the provisions for elections contained in the local act, the provisions for and in relation to elections prescribed by the Public Health Act, 1848, and the Local Government Act, 1858; and within one month of such adoption one-third of the members of such local authority shall retire, the order of retirement to be fixed by the local authority, and the election of members in lieu of such retiring members shall be governed in all respects by the said Public Health Act, 1848, and the Local Government Act, 1858, and be conducted by the chairman of the local authority: provided also, that such adoption shall not affect the qualification fixed for members of such local authority by the local act under which it is constituted, or the qualification and tenure of office of ex officio members of such local authority.

3. When any board of improvement commissioners acquire powers of rating or borrowing money under the 15th section of the Local Government Act, 1858, the provisions in relation as to audit of that act, or of any act amending that act, shall be in force in the case of such commissioners, as if such provisions were contained in the local act under which they are constituted; and when the provisions as to audit of such local act are repugnant to or inconsistent with those of the Local Government Act, or any act amending that act, then the audit shall be conducted under the provisions of the last-mentioned act.

4. Local boards may exercise the powers given by the 45th section of the Public Health Act, 1848, also without their district, for the purpose of outfall or distribution of sewage, upon making due compensation, to be settled in the manner provided in the 144th section of the Public Health Act, 1848: provided always, that nothing herein contained shall give, or be construed to give, power to any local board to construct or use any outfall drain or sewer for the purpose of conveying sewage or filthy water into any natural watercourse or stream until such sewage or filthy or refuse water be freed from all excrementitious or other foul or noxious matter, such as would affect or deteriorate the purity and quality of the water in such stream or watercourse.

5. Provided also, that no sewer or other work shall be constructed or extended, under the enactment lastly hereinbefore contained, unless three months at the least before the commencement of such work notice of the intended work, describing the nature thereof, and stating the intended termini thereof, and the names of the parishes, townships, and places, and the turnpike roads and streets, or places laid out or intended for streets, and other lands, if any, through, across, or under which the work is to be made, and naming a place where a plan of the intended work is open for inspection at all reasonable hours, shall be given by advertisement in one or more of the newspapers usually circulated in the place where the work is to be made, and a written or printed copy of such notice shall be served in manner directed by the Public Health Act, 1848, on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, townships, or places, and the trustees, surveyors of highways, or others having the care of such roads or streets.

6. In case any of such owners, lessees, or occupiers, or such overseers, trustees, surveyors, or others as aforesaid, or any other owner, lessee, or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the local board at any time within the said three months, the proposed work shall not be made or commenced without the sanction of one of her Majesty's Principal Secretaries of State, after such inquiry and report as hereinafter mentioned (unless such objection be withdrawn).

7. It shall be lawful for the Secretary of State, upon application of any local board, to appoint an inspector to make inquiry on the spot into the propriety of any such work as

aforesaid, and into the objections thereto, and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such Secretary of State upon the matters with respect to which such inquiry was directed.

6. Where already or hereafter any premises not being within the limits of the district of the local board have a drain communicating, directly or indirectly, with a sewer within the district, and maintained by the local board, and any sewage from the premises flows into the sewer, there shall (except in cases where the owner is entitled to use such sewer without making any payment) be paid to the local board in respect thereof such a yearly sum as is agreed on between them and the owner of the premises, or, failing agreement between them, as on the application of the local board is determined by two justices; and the yearly sum so agreed on or determined shall be private improvement expenses, and shall be charged on the premises, and be paid and recoverable accordingly, as if the premises were within the district: provided, that the yearly sum so charged shall cease to be payable if and when the connexion between the drain from the premises and the sewer is discontinued, so that a proportionate part thereof up to the time of the discontinuance shall alone be payable; but if after the discontinuance the connexion be re-established, the yearly sum shall again become payable, and so from time to time.

9. The subdivision numbered (4) in the 57th section of the said Local Government Act, 1858, shall be and the same is hereby repealed; and in lieu thereof be it enacted as follows:—

- (1). Where part of a township or place not comprised within any district in which the said Local Government Act, 1858, is in force, and which part is hereinafter referred to as "the excluded part," was, before the said act came into force in such district, liable to contribute to the highway rates for such township or place, such excluded part shall, for all purposes connected with the repairs of highways and the payment of highway rates, be considered to be and be treated as if forming part of such district:
- (2). It shall be lawful for a meeting of ratepayers of the excluded part (to be convened and conducted in the manner prescribed by the 13th section of the said Local Government Act, 1858, with respect to districts, not being corporate boroughs or towns, under the jurisdiction of improvement commissioners) to decide that such excluded part shall be formed into a separate highway district; and thereupon the excluded part shall, for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a township maintaining its own highways:
- (3). The requisition for holding such meeting as last mentioned shall, in any excluded part where the said Local Government Act, 1858, has been in force before the passing of this act, be presented within six calendar months after the passing of this act, and in all other cases within six calendar months after the adoption of the said Local Government Act, 1858; but nothing in this section before contained shall apply to districts constituted under the Public Health Act, 1848, including a part only of any parish, township, or place which before the constitution of such district maintained its own highways.
10. All the powers, authorities, and discretion which, in and by the act of the 5 & 6 Will. 4, c. 50, are vested in and given to the inhabitants in vestry assembled of any parish, township, or place, shall, within the districts where the Local Government Act is in force, be vested in and exercisable by the local boards, or commissioners exercising the powers of such local boards, under the provisions of this act, and of the Public Health Act, 1848, and of the Local Government Act, 1858; and all acts or consents already done or given, or purporting to be so done or given, by such local boards, under and by virtue of the said act of the 5 & 6 Will. 4, c. 50, acting or assuming to act in lieu of the inhabitants in vestry assembled of any parish, township, or place within the district of the local board, shall operate and be as valid and effectual as if the same had been done and given or executed by such inhabitants in vestry.

11. In districts where the Local Government Act, 1858, is in force, notices for alterations under the 69th, 70th, and 71st sections, directions under the 73rd section, and orders under the 74th section, of the Towns Improvement Clauses Act, 1847, may, at the option of the local board, be served upon owners instead of occupiers, or upon owners as well as occupiers; and the cost of works done under any of these sections may, when notices have been so served upon owners, be recovered from owners instead of occupiers; and when such cost is recovered from occupiers, they shall be entitled to make the same deduction from the rents payable for the premises, where the work is done in respect of such cost, as they are entitled to make in respect of private improvement rates by the Public Health Act, 1848.

12. Where, in any district, special district rates are levied over the same area as general district rates, the local board may make and levy such special district rates as part and under the name of general district rates: provided always, that the levying of such rates by the means aforesaid shall in no way prejudicially affect any mortgages now or hereafter to be made upon such special district rates.

13. Where any local board of health have incurred expenses in or about any works of a permanent nature, and have made and levied a special district rate upon or in respect of the premises situate in part of their district, and have borrowed and taken up at interest, on the credit of the said special district rate, any sums of money necessary for defraying such expenses, it shall be lawful for such local board, with the sanction of one of her Majesty's Principal Secretaries of State, and with the consent of all persons having advanced money on the security of the said special district rate, and with the consent of the owners and ratepayers of the district, to be expressed by resolution, in the manner herein provided with respect to resolutions for the adoption of the said Local Government Act, to pay off and discharge the sums so borrowed and taken up at interest on the credit of the said special district rates, or such part thereof as shall then remain due, and to re-borrow and take up at interest, on the credit of the general district rates of the said local board, any sums of money which shall have been so paid off and discharged; and for the purpose of securing the repayment of any sums so borrowed, together with interest thereon, the local board may mortgage the said general district rates to the persons by or on behalf of whom such sums are advanced, subject to the regulations prescribed by the 57th section of the Local Government Act, 1858.

14. In all cases in which, prior to the passing of the Local Government Act, all or any of the powers or provisions of the Public Health Act, 1848, relative to the borrowing of money or the mortgaging of rates, are repeated in any local act of Parliament, or in which it is declared, in and by such local act, that the same shall be read and construed as if all or any of such powers and provisions had been repeated therein, so as to confer thereunder, upon any such local board of health or board of improvement commissioners, powers corresponding with all or any of the borrowing or mortgaging powers contained in the Public Health Act, 1848; and where the sanction, consent, direction, or approval of the General Board of Health is rendered requisite, in or by any such local act, to the due exercise of any of the powers vested thereby in any local board of health or board of improvement commissioners, such powers, or any of them, shall and may be henceforth exercised with and under the sanction, consent, direction, and approval of one of her Majesty's Principal Secretaries of State, in lieu of the sanction, consent, direction, and approval of the General Board of Health aforesaid, and not otherwise.

15. Seven clear days at least before the day fixed for the audit of accounts of any local board, the local board shall cause their rate books and other accounts to be made up and balanced, and the books and accounts so made up and balanced shall forthwith be deposited at the office of the said local board for the inspection of owners and ratepayers, and the notice of audit shall include a notice of such deposit of accounts; and any officer of a local board, duly appointed in that behalf, neglecting to make up such books and accounts, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable, on conviction thereof, to forfeit 40s.; and it shall be lawful for any ratepayer or owner of property in the district to be present at the audit of accounts of the local board, and to make any objec-

tion to such accounts before the auditor; and such rate-payers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances.

16. Before giving the notice mentioned in the 69th section of the Public Health Act, 1848, the local board shall cause plans and sections of the works intended to be executed under that section, and the 38th section of the Local Government Act, 1858, to be made, under the direction of their surveyor, on a scale of not less than one inch for eighty-eight feet for a horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and, in the case of a sewer, shewing the depth of such sewer below the surface of the ground; and such plans and sections shall be deposited in the office of the local board, and shall be open at all reasonable hours for the inspection of all persons interested therein during the period for which such notice is required to be given, and a reference to such plans and sections in such notice shall be held sufficient, without requiring any copy of such plans and sections to be annexed to such notice.

17. The form of notice in the Schedule (A.) to this act annexed, or to the like effect, may be used for any of the purposes of the 69th section of the Public Health Act, 1848, and of the 38th section of the Local Government Act, 1858, and of this act, for which such form is applicable, and such form shall accordingly, to all intents, be deemed sufficient for such purposes.

18. In the construction of the Lands Clauses Consolidation Act, 1845, for the purposes of any provisional order under the Local Government Act, 1858, conferring powers for the taking of land otherwise than by agreement, the term "special act" shall mean the act confirming such order, and "the date of the passing of the special act" shall mean the date of the passing of the act confirming such order.

19. The powers granted by the 78th section of the Local Government Act, 1858, may be exercised in any case where any local board, or board of improvement commissioners, exercising the borrowing powers of the Public Health Act, 1848, or the Local Government Act, 1858, or of any local act, has contributed to, purchased, or executed any permanent works, or proposes to contribute to, purchase, or execute such works, at a cost exceeding, or estimated to exceed, one year's assessable value of the premises assessable within the district in respect of which the money for such works may be borrowed.

20. In districts where no water companies are established by act of Parliament all local boards may make agreements for the supply of water to persons on such terms as may be agreed upon between the local board and the persons receiving such supply, and shall have the same powers for recovering water rents accruing under such agreements as they have for the recovery of water rates by the law in force for the time being.

21. All local boards of health constituted burial boards may from time to time repair and uphold the fences surrounding any burial ground which shall have been discontinued as such within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the necessary steps for preventing the desecration of such burial grounds, and placing them in a proper sanitary condition; and where such burial boards are a local board of health, they may from time to time pass by-laws for the preservation and regulation of all burial grounds within their limits; and the expense of carrying this section into execution may be defrayed out of any rates authorised to be levied by any local board constituted a burial board.

22. Local boards shall have the same powers with regard to any lands purchased by them under or for the purposes of the Local Government Act, 1858, or any act incorporated therewith, which they now have with regard to lands purchased for the purpose of making or enlarging streets under the powers of the said act.

23. The expenses which have been incurred by any local board of health as and for private improvement expenses under the Public Health Act, 1848, as also the expenses stated in the 62nd section of the Local Government Act, 1858, to be a charge on the premises, with interest after the rate of 5l. per centum per annum, may, by order of the local board of health, be declared payable by annual instalments, with interest after the rate aforesaid, during a period not exceeding thirty years, until the whole amount be paid; and any such instalments and interest, or any part thereof, may

be recovered from the owner or occupier of such premises in the same manner as general district rates, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under the 91st section of the Public Health Act, 1848.

24. Proceedings for the recovery of demands below 20l., which local boards are now empowered by law to recover in a summary manner, may, at the option of the local board, be taken in the county court, as if such demands were debts within the cognisance of such courts.

25. The local board may make by-laws for licensing and regulating horses, ponies, mules, or asses, standing for hire in the district, and for prescribing and regulating the stands, and fixing the rates of hire, and ordering the conduct of the drivers or attendants thereof, and also for licensing, regulating, and fixing the rates of hire of pleasure boats or vessels, and the persons in charge of the same.

26. Where a board of improvement commissioners, or other local authority, exercising any of the powers of the Local Government Act, 1858, maintains and repairs the highways within the area of its jurisdiction, the 69th section of the act of the 5 & 6 Will. 4, c. 50, shall be held to apply to all encroachments on such highways.

27. The provision for the repayment of costs, charges, and expenses incurred by the Secretary of State in relation to any provisional order under the 75th section of the Local Government Act, 1858, shall extend to all provisional orders under the said act.

28. It shall not be lawful, at any time or times hereafter, within the district of any local board, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of such house or building on either side of the same as aforesaid, without the previous consent of such local board.

29. And whereas doubts exist whether local boards of health, constituted under or by virtue of local acts, are affected by the provisions of the Local Government Act, 1858, or by the provisions of the Nuisances Removal Act for England, 1855, and the Diseases Prevention Act, 1855, and it is desirable to remove such doubts: be it therefore enacted, that all the provisions of the Local Government Act, 1858, as amended by this act, and of the Nuisances Removal Act for England, 1855, and the Diseases Prevention Act, 1855, as amended by the "Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases," which acts are hereinafter designated the general acts, shall extend and apply to all local boards of health constituted under or by virtue of local acts, with and subject to the two following qualifications; that is to say—

- (1). Provisions of the general acts opposed to or restrictive of the provisions (whether adopted or original) of any such local act shall be of no force in the district for which the local act was passed:
- (2). Wherever the general acts and a local act contain provisions for effecting the same or a similar object, but in different modes, the local board of health may proceed under the general acts or the local act:

And every future act for amending or repealing any of the general acts aforesaid shall, subject to the aforesaid qualifications, also extend and apply to every such local board of health.

30. This act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be read as if this act and the said Local Government Act were one act.

31. In citing this act it shall be sufficient to use the words and figures "Local Government Act, 1858, Amendment Act, 1861."

#### SCHEDULE.

Local board of health for —. The — of —, in the county of —.

To —, the owner of certain premises fronting, adjoining, or abutting upon a certain street called —, within the said borough [or district, as the case may be.]

Whereas the said street is not sewered, levelled, paved, flagged, and channelled to the satisfaction of the above-named local board of health: and whereas your said premises front, adjoin, or abut on certain parts of the said street which re-



quire to be sewered, levelled, paved, flagged, and channelled: now, therefore, the said local board of health hereby give you notice (in pursuance of the statute in that case made and provided) to sewer, level, pave, flag, and channel the same within the space of [state the time] from the date hereof, in manner following; that is to say, the sewers to be laid or made [here describe the mode to be adopted and material to be used], of the sizes and forms, and at the rate or rates of inclination, shewn on the plans and sections of the works as prepared by the surveyor of the local board.

Each gully for surface draining, and its connexion with the sewer, to be placed as shewn on the said plans, and to be constructed of the forms, materials, and dimensions as shewn on the said plans.

A foundation for the carriageway and footway in the said street to be formed in the following manner [here describe the mode to be adopted and the material to be used]; and the said carriageway and footway to be paved [here describe the mode to be adopted and the material to be used.]

The channel stones to be [here describe the mode to be adopted and the material to be used.] The curb or side stones to be [here describe the mode to be adopted and the material to be used.]

The whole of the above-mentioned works to be executed by you in accordance with the plans and sections hereinbefore referred to, and now lying for inspection by you at the office of the local board, situate in — street, in — aforesaid, and the dimensions, widths, and levels shewn thereon, and to be done in a good, workmanlike, and substantial manner, to the satisfaction of the said local board of health or their surveyor.

Dated this — day of —, 18—.

—, Clerk to the said Local Board of Health.

#### CAP. LXII.

An Act to amend the Act of the 9 Geo. 2, c. 16, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall. [1st August, 1861.]

Sect. 1. *The Crown not to sue after sixty years by reason of lands having been in charge, &c.*

2. *Provisions of this act to apply to actions by the Duke of Cornwall, and to provisions of the 7 & 8 Vict. c. 105, and the 23 & 24 Vict. c. 53.*

3. *Provision as to the answering of rent, &c. to the Crown.*

4. *Preserving right to reversionary interests.*

5. *Act not to apply to existing suits.*

Whereas, by an act passed in the 9 Geo. 3, c. 16, provision is made for limiting the right of the King's Majesty to sue and implead any person for or concerning lands and hereditaments, or the rents, issues, or profits thereof, and for quieting possessions and titles against the Crown: and whereas the good purpose of that act has not been fully obtained, by reason of the provisions therein relating to lands and hereditaments which have been in charge to her Majesty, or have stood insuper of record, and also by reason of certain provisions therein relating to lands and hereditaments part or parcel of honours, manors, or other hereditaments: be it therefore enacted &c. as follows:—

Sect. 1. The Queen's Majesty, her heirs and successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons for or in anywise concerning any manors, lands, tenements, rents, tithes, or hereditaments whatsoever (other than liberties or franchises) which such person or persons, or his or their or any of their ancestors or predecessors, or those from, by, or under whom they do or shall claim, have or shall have held or enjoyed or taken the rents, revenues, issues, or profits thereof by the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, by reason only that the same manors, lands, tenements, rents, tithes, or hereditaments, or the rents, revenues, issues, or profits thereof, have or shall have been in charge to her Majesty, or her predecessors or successors, or stood insuper of record, within the said space of sixty years, but that such having been in charge, and such standing in-

super of record, shall be, as against such person and persons, and all claiming by, from, or under them, or any of them, of no force and effect.

2. And whereas an act was passed in the session held in the 7 & 8 Vict. c. 105, "for quieting titles within the county of Cornwall as against the Duchy of Cornwall, and other purposes:" and whereas another act was passed in the session held in the 23 & 24 Vict. [c. 53], "for the limitation of actions and suits by the Duke of Cornwall in relation to real property, and for other purposes:" and whereas it is expedient that the limitation applicable to actions and suits by the Crown should be made applicable to actions and suits by the Duke of Cornwall: be it enacted, that the provisions of this act hereinbefore contained applicable to the Queen's Majesty shall extend and be applicable to the Duke of Cornwall, and to the said two last-recited acts, in the same manner as if the Duke of Cornwall were hereinbefore mentioned or referred to where the Queen's Majesty is mentioned or referred to; and this act shall be construed together with, and be deemed to form part of, the said two last-recited acts.

3. The Queen's Majesty, her predecessors and successors, shall not be held, deemed, or taken, for the purposes of the said act of the 9 Geo. 3, [c. 16], to have been answered the rents, revenues, issues, or profits of any lands, manors, tenements, rents, tithes, or hereditaments which shall have been held or enjoyed, or of which the rents, revenues, issues, or profits shall have been taken, by any other persons or persons, by the space of sixty years next before the filing, issuing, or commencing of any such action, suit, bill, plaint, information, commission, or other suit or proceeding for recovering the same, or in respect thereof, as in the said act is mentioned, by reason only of the same lands, manors, tenements, rents, tithes, or hereditaments having been part or parcel of any honour or manor or other hereditaments of which the rents, revenues, issues, or profits shall have been answered to her Majesty, or her predecessors or successors, or some other person under whom her Majesty hath or lawfully claimeth, or shall hereafter have or lawfully claim, as aforesaid, or of any honour, manor, or other hereditaments which shall have been duly in charge to her Majesty, her predecessors or successors, or stood insuper of record as aforesaid.

4. In the construction of the said act of the 9 Geo. 3 and of this act the right or title of the Queen's Majesty, her heirs or successors, or of the Duke of Cornwall, to any manors, lands, tenements, rents, tithes, or hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term or terms of years, or for any life or lives, granted by or on behalf of her Majesty or any of her royal predecessors or successors, or the Duke of Cornwall, shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease, as against any person or persons whose possession, holding, or enjoyment of such manors, lands, tenements, rents, tithes, or hereditaments, or whose receipt of the rents, issues, or profits thereof, shall have commenced during the term of such demise or lease, or who shall claim from, by, or under any person or persons whose possession, holding, or enjoyment of such manors, lands, tenements, rents, tithes, or hereditaments, or whose receipt of the rents, issues, or profits thereof, shall have so commenced as aforesaid.

5. Nothing contained in this act shall extend to any action, bill, plaint, information, commission, or other suit or proceeding instituted or commenced before the passing of this act, and now pending.

#### CAP. LXIII.

An Act to enable Grand Juries in Ireland to increase the Remuneration of County Surveyors; and for other Purposes. [1st August, 1861.]

The preamble recites the 6 & 7 Will. 4, c. 116.

Sect. 1. Short title.

2. This act incorporated with recited act.

3. Interpretation of terms.

4. Grand jury at summer assizes held after passing of this act may resolve that salary of county surveyor be altered.

5. Grand jury at next succeeding assizes may adopt or reject such resolution, or agree to it in a modified form.

6. Grand jury may, on increase of salary to county surveyor, require that he shall not engage in private practices.

7. Grand juries may increase salaries of assistants to surveyors.

CAP. LXIV.

An Act to continue certain Turnpike Acts in Great Britain.  
[1st August, 1861.]

CAP. LXV.

An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man. [1st August, 1861.]

CAP. LXVI.

An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings. [1st August, 1861.]

Sect. 1. *Persons refusing, from conscientious motives, to be sworn in criminal proceedings to be permitted to make a solemn affirmation or declaration.*

2. *Punishment for making false affirmation.*

3. *Commencement of act.*

Whereas it is expedient to grant relief to persons who may refuse or be unwilling, from alleged conscientious motives, to be sworn in criminal proceedings: be it therefore enacted *as follows* :—

Sect. 1. If any person called as a witness in any court of criminal jurisdiction in England or Ireland, or required or desiring to make an affidavit or deposition in the course of any criminal proceeding, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be lawful for the court or judge, or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, viz.—

“I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and ‘I do also solemnly, sincerely, and truly affirm and declare,’ &c. : ”

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

2. If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

3. This act shall come into operation on the 1st October, 1861.

CAP. LXVII.

An Act to make better Provision for the Constitution of the Council of the Governor-General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the Event of a Vacancy in the Office of Governor-General. [1st August, 1861.]

Sect. 1. Short title.

2. Acts and parts of acts repealed.

3. Composition of the council of the Governor-General of India.

4. Present members of council to continue.

5. Power of making provisional appointments of members of council by the Secretary of State.

6. Provision on the absence of the Governor-General in other parts of India.

7. Provision on the absence of the Governor-General from meeting.

8. Power of the Governor-General to make rules for the conduct of business.

9. Power to the council to assemble at any place in India.

10. Additional members to be summoned for the purpose of making laws and regulations.

11. Additional members to be appointed for two years.

12. Resignation of additional members.

13. Power to fill up vacancy in number of additional members.

14. No law to be invalid by reason of number of non-official members being incomplete.

15. Senior ordinary member of council to preside at meetings for making laws and regulations in the absence of the Governor-General, &c. Quorum.

16. Governor-General to appoint the first meeting for making laws and regulations.

17. Power to appoint and adjourn meetings for making laws and regulations.

18. Governor-General to make rules for the conduct of business at such meetings.

19. Business to be transacted at such meetings.

20. Assent of the Governor-General to laws made at such meetings.

21. Power of the Crown to disallow laws made at such meetings.

22. Extent of the powers of the Governor-General in council to make laws and regulations at such meetings.

23. Governor-General may make ordinances having force of law in cases of urgent necessity.

24. No law, &c. invalid by reason of it affecting any prerogative of the Crown.

25. Laws made for the non-regulation provinces declared valid.

26. Provision for leave of absence to an ordinary member of council.

27. Power of making temporary appointments of members of council by the Governor-General, or the governor of a presidency.

28. Power to the governors of Fort St. George and Bombay to make rules for the conduct of business.

29. Power to summon additional members to the council of Fort St. George and Bombay for the purpose of making laws and regulations.

30. Additional members to be appointed for two years.

31. Resignation of additional members.

32. Power to fill up vacancy in the number of additional members.

33. No law to be invalid by reason of incompleteness of number of non-official members.

34. Senior civil ordinary member of council to preside in the absence of the governor of the presidency.

35. Governor-General to fix the first meeting of councils of presidencies for making laws and regulations.

36. Governors of presidencies to appoint subsequent meetings, and adjourn them.

37. Governors to make rules and orders for the conduct of business at such meetings.

38. Business to be transacted at such meetings.

39. Governors to assent to laws and regulations of presidencies.

40. Governor-General to assent to laws and regulations of presidencies.

41. Power of the Crown to disallow laws and regulations of presidencies.

42. Extent of power of the governor of presidency in council to make laws and regulations.

43. Governor of presidency, except with the sanction of the Governor-General, not to make or take into consideration certain laws or regulations.

44. Governor-General may establish councils for making laws and regulations in the presidency of Fort William in Bengal, and in other parts of India.

45. Constitution of such councils.

46. Power to constitute new provinces, and appoint Lieutenant-governors.

47. Power to alter boundaries of provinces.

48. Former provisions of this act extended to future councils.

49. Previous assent of the Crown necessary to give validity to any such proclamation.

50. Provision for the supply of the office of Governor-General in certain circumstances.

51. If it appears to the governor necessary to exercise powers before taking his seat in council, he may make his appointment, &c. known by proclamation.

52. Nothing in this act shall derogate from the powers of the Crown or Secretary of State for India in council.

53. Meaning of the term “in council.”

54. Time when act shall come into operation.

CAP. LXVIII.

An Act to amend the Laws relating to Attornies and Solicitors in Ireland.  
[1st August, 1861.]

- Sect. 1. Interpretation of terms.
2. Persons having taken degrees at certain universities may be admitted after three years' service.
3. Persons having been at the bar may be admitted after three years' service.
4. Persons having been bonâ fide clerks to attornies or solicitors for ten years may be admitted after three years' service.
5. Certain apprentices not required to keep terms.
6. When the three or five years expire in any vacation, examination may take place in term preceding such vacation.
7. Not to prejudice power of courts, &c. to dispense with rules.
8. Extent of act.

CAP. LXIX.

An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland.  
[1st August, 1861.]

- Sect. 1. Short title.
2. Interpretation of terms.
3. Special meeting of trustees may be called to consider the expediency of laying down tramways.
4. Trustees may remit to their surveyor or to an engineer to prepare plans of tramways and estimate of expense.
5. Plans and estimate to be laid before general or special meeting of trustees.
6. Tramways may be laid down according to plans.
7. Tramways to form part of roads.
8. Expense of forming and maintaining tramways, how to be defrayed.
9. Tolls for use of tramways.
10. Trustees may compound for tolls on tramways.
11. Trustees may make regulations for use of tramways.
12. Tramways may be formed on statute labour roads.
13. Tramways to form part of roads.
14. Trustees may make regulations for use of tramways.
15. Tramways may be removed.
16. Tramways not to be laid down in burghs without consent of magistrates and council.
17. Tramways to be kept in constant good order, and trustees may acquire right to them when proposed to be removed.

CAP. LXX.

An Act for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives, and on the Waggon and Carriages drawn or propelled by the same.  
[1st August, 1861.]

- Sect. 1. *Scale of tolls to be taken after passing of this act.*
2. *Repeal of former enactments as to tolls to be taken for locomotives.*
3. *As to the size and weight of locomotives.*
4. *As to the weight on each pair of wheels.*
5. *Power to Secretary of State to prohibit the use of locomotives destructive to highways or dangerous to the public.*
6. *Use of locomotives restricted over suspension and other bridges.*
7. *Damage caused by locomotives to bridges to be made good by owners.*
8. *Locomotives propelled by steam to consume their own smoke.*
9. *As to the number of persons in charge of locomotive and waggons. Lights to be used at night.*
10. *Exemption from tolls of waggons, &c. now exempt under any general or local act.*
11. *Limit of speed of locomotives on public highways, &c.*
12. *Provisions of general acts relating to turnpike roads to apply to locomotives.*
13. *Right of action in case of nuisance.*
14. *Short title.*
15. *Extent of act.*

Whereas the use of locomotives is likely to become common on turnpike and other roads: and whereas the general turnpike and highway acts, and many of the local turnpike

acts, do not contain any provisions for regulating the use of locomotives on the roads to which they respectively apply, nor do they authorise the levying of tolls upon or in respect of any locomotive using the roads, or upon or in respect of any waggon or carriage drawn by locomotives: and whereas, under and by virtue of certain local turnpike acts, tolls may be levied upon locomotives and other engines drawing or propelling waggons or carriages, or upon the waggons or carriages so drawn or propelled, which are or may be prohibitory of the use of locomotives on the roads to which the said acts respectively apply: and whereas the weighing clauses in the general turnpike acts have not been framed in anticipation of traffic by locomotives, and are in many respects ill adapted to the profitable carrying of goods, or to the levying of just and adequate tolls upon waggons or carriages drawn by locomotives: and whereas it is desirable that the use of locomotives on turnpike and other roads should be regulated by uniform general provisions, and that tolls should be levied upon such locomotives, and the waggons or carriages drawn by such locomotives, upon turnpike roads: be it therefore enacted &c. as follows:—

Sect. 1. From and after the passing of this act, all trustees, corporations, commissioners, and other persons acting under and in execution of any existing general or local turnpike road act or public bridge act, shall demand and take tolls not exceeding the tolls following: that is to say—

For every locomotive propelled by any power, containing within itself the machinery for its own propulsion, such a toll for every two tons weight, or fractional part of every two tons weight, that such locomotive shall weigh as shall be equal to the toll or tolls by their respective acts made payable for every horse drawing any waggon, wain, cart, or carriage with wheels of a width similar to those of such locomotive; or in the case of a toll by any such act made payable being charged on the horse or horses drawing any such waggon, wain, cart, or carriage, without reference to the width of the wheels thereof, then such a toll for every two tons, or fractional part thereof, that such locomotive shall weigh as shall be equal to one horse drawing such waggon, wain, cart, or carriage; which tolls respectively shall be payable so often as tolls made payable as aforesaid for such waggon, wain, cart, or carriage shall be payable at the same gate: provided always, that if the wheels of such locomotive shall rest upon any shoe or other bearing, the surface of which shall bear upon the ground so as to prevent the wheels coming in contact therewith, such and the same tolls only shall be demanded and payable as if the wheels thereof were of a width similar to such shoe or bearing:

For every waggon, wain, cart, or carriage drawn or propelled by any locomotive, for each pair of wheels thereof such a toll as shall not exceed the toll by their respective acts made payable for two horses drawing any waggon, wain, cart, or carriage with wheels of a similar width, and for every additional wheel thereof one-half toll in addition to the said toll; or in the case of a toll by any such act made payable being charged on the horse or horses drawing any such waggon, wain, cart, or carriage, without reference to the width of the wheels thereof, then such a toll for each wheel as shall be equal to one horse drawing such waggon, wain, cart, or carriage, which said toll or tolls shall be payable so often as the toll made payable as aforesaid for such waggon, wain, cart, or carriage drawn by horses shall be payable at the same gate:

Provided always, that in every case where the wheels of any waggon, wain, cart, or carriage shall not all be cylindrical, as described in the act of the 3 Geo. 4, c. 126, s. 9, the toll payable in respect thereof shall be one-half more.

2. All clauses and provisions in any local or general turnpike road act or public bridge act, authorising tolls to be demanded or taken upon locomotives or carriages drawn by steam or any other than animal power, different to the tolls herein provided for, shall, so far as the same relate to such tolls, be and the same are hereby repealed: provided always, that this enactment shall not be deemed or construed to extend to any tolls authorised to be taken in respect of any private roads or private bridges, or to the roads comprised in the Commercial Roads Continuation Act, 1840.

3. Every locomotive propelled by steam or any other than

animal power, not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, and for every ton or fractional part thereof additional weight the tires of the wheels thereof shall be increased one inch in width; and every locomotive drawing any waggon or carriage shall have the tires of the wheels thereof not less than nine inches in width; but no locomotive shall exceed seven feet in width or twelve tons in weight, except as hereinafter provided; and the wheels of every locomotive shall be cylindrical and smooth soled, or used with shoes or other bearing surface of a width not less than nine inches; and the owner or owners of any locomotive used contrary to the foregoing provisions shall for every such offence, on summary conviction, forfeit any sum not exceeding 5*l*.: provided always, that whereas it may be desirable that locomotives of a greater width than seven feet, and of a greater weight than twelve tons, should be allowed to be used under certain circumstances, any person desiring to use any such locomotive on any street or public highway within the city of London or the liberties thereof, or within the limits of the metropolis, as defined by the act of the 18 & 19 Vict., "for the better local management of the metropolis," or within any other city or municipal or parliamentary borough, or on any turnpike road or other public highway, shall apply, within the city of London, to the lord mayor for the time being, or within any municipal or parliamentary borough in Scotland, to the lord provost or other chief magistrate thereof, and in other places, to the corporation, commissioners, trustees, and surveyors, or other persons having the charge of any such street, highway, turnpike, or other road over which it may be proposed to work such locomotive, for permission to use the same; and the said lord mayor, the said lord provost or chief magistrate, or such corporation, commissioners, trustees, surveyors, and other persons as aforesaid, shall have power to authorise such locomotive to be used on such road or roads, or part of any road or roads, and under such condition or conditions as to them may appear desirable; but in the case of the surveyor or surveyors of any highway in England no such permission shall be valid without also it be approved by the justices acting in petty sessions for any petty sessional division within which it is proposed to use such locomotive.

4. It shall not be lawful for any waggon, wain, cart, or other carriage so drawn or propelled as aforesaid, not having cylindrical wheels, to carry any greater weight than is permitted in such waggon, wain, cart, or carriage by the General Turnpike Act; and it shall not be lawful for any waggon, wain, cart, or other carriage having cylindrical wheels to carry, over or above the weight of the waggon, wain, cart, or carriage, any greater weight than one ton and a half for each pair of wheels, unless the felloes, tires, or shoes are four inches or more in breadth; nor to carry a greater weight than two tons for each pair of wheels, unless the felloes, tires, or shoes are six inches or more in breadth; nor to carry a greater weight than three tons for each pair of wheels, unless the felloes, tires, or shoes are eight inches or more in breadth; and for every single wheel, one-half of that permitted to be carried on a pair of wheels; nor in any case to carry a greater weight than four tons on each pair of wheels, or two tons on each wheel; but if such waggons, wains, or other carriages are built and constructed with springs upon each axle, then they shall be allowed to carry one-sixth more weight in addition to the above-mentioned weights upon each pair of wheels: provided always, that the regulation of weight herein mentioned and provided shall not extend to any waggon, wain, cart, or other carriage carrying only one tree, or one log of timber, or one block of stone, or one cable or rope, or one block, plate, roll, or vessel of iron or other metal, or compounded of any two or more metals cast, wrought, or united in one piece.

5. In case it appear to one of her Majesty's Principal Secretaries of State that the use of any particular description of locomotive causes excessive wear and tear of the highways, or is dangerous or inconvenient to the public, or that the use of locomotives generally, or of any particular description of locomotive, is dangerous or inconvenient to the public in certain districts or places, it shall be lawful for such Secretary of State from time to time, by order under his hand, to prohibit the use of any kind or description of locomotive specified in such order on any highway whatsoever, or to prohibit the use of locomotives, or any specified kind or description thereof, on the highways within any place, district,

or limit mentioned in such order, or otherwise to restrict the use of locomotives, as circumstances may appear to him to require, and from time to time, by order made as aforesaid, to revoke or alter any such order previously made; and every order made under this enactment shall be published in the London Gazette, and any person using any locomotive contrary to any such order shall, for every such offence, on summary conviction thereof before two justices, forfeit any sum not exceeding 10*l*.

6. It shall not be lawful for the owner or driver of any locomotive to drive it over any suspension bridge, nor over any bridge on which a conspicuous notice has been placed, by the authority of the surveyor or persons liable to the repair of the bridge, that the bridge is insufficient to carry weights beyond the ordinary traffic of the district, without previously obtaining the consent of the surveyor of the road, or bridgeman under whose charge such bridge shall be for the time being, or of the persons liable to the repair of such bridge; and in case such owner of the locomotive and surveyor of the road or bridge, or bridgeman, shall differ in opinion as to the sufficiency of any bridge to sustain the transit of the locomotive, then the question shall be determined by an officer to be appointed, on the application of either party, by one of her Majesty's Principal Secretaries of State, whose certificate of sufficiency of such bridge shall entitle the owner of the locomotive to take the same over such bridge.

7. Where any turnpike or other roads, upon which locomotives are or hereafter may be used pass, or are or shall be carried over or across any stream or watercourse, navigable river, canal, or railway, by means of any bridge or arch (whether stationary or moveable), and such bridge or arch, or any of the walls, buttresses, or supports thereof, shall be damaged by reason of any locomotive, or any waggon or carriage drawn or propelled by or together with a locomotive, passing over the same or coming into contact therewith, none of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other person interested in or having the charge of such navigable river, canal, or railway, or the tolls thereof, or of such bridge or arch, shall be liable to repair or make good any damage so to be occasioned, or to make compensation to any person for any obstruction, interruption, or delay which may arise therefrom to the use of such bridge or arch, navigable river, canal, or railway; but every such damage shall be forthwith repaired to the satisfaction of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons as aforesaid respectively interested in or having the charge of such river, canal, or railway, or the tolls thereof, or of such bridge or arch, by and at the expense of the owner or owners, or the person or persons having the charge of such locomotive at the time of the happening of such damage; and all such owner and owners, person and persons, having the charge of such locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good, as well to the proprietors, undertakers, directors, conservators, trustees, commissioners, and other persons interested in, or having the charge of, any such navigable river, canal, or railway, or the tolls thereof, or of such bridge or arch, as to all persons navigating on or using, or who, but for such obstruction, interruption, or delay, would have navigated on or used the same, all losses and expenses which they, or any of them, may sustain or incur by reason of any such obstruction, interruption, or delay, such losses and expenses to be recoverable by action at law, which action, in case of such proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons so interested as aforesaid, may be brought in the name or names of their agent or agents, clerk or clerks for the time being, or by any person or persons legally authorised to act in their behalf.

8. Every locomotive propelled by steam, or any other than animal power, to be used on any turnpike road or public highway, shall be constructed on the principle of consuming, and so as to consume, its own smoke; and any person using any locomotive not so consuming its own smoke shall, on conviction thereof before any two of her Majesty's justices of the peace, forfeit any sum not exceeding 5*l*. for every day during which such locomotive shall be used on any such turnpike road or public highway.

9. It shall not be lawful for any owner of such locomotive, either in his own person or by his servants, to use any such

locomotive, waggon, or carriage on the turnpike or other roads, except there be at the least two persons to drive or conduct such locomotive; and if more than two such waggons or carriages be attached to such locomotive, one person to take charge of such waggons and carriages; and any person in charge of such locomotive shall provide two efficient lights, to be affixed conspicuously, one at each side, on the front of the same, between the hours of one hour after sunset and one hour before sunrise; and any person acting contrary hereto shall for every such offence, on summary conviction thereof before two justices, forfeit any sum not exceeding 5*l*.

10. All waggons, wains, carts, or carriages, as hereinbefore described, drawn by any locomotive, and loaded with any materials such as are now exempt from toll under the provisions of any general or local act, shall be entitled to the same exemption as they would be if drawn by animal power.

11. It shall not be lawful to drive any locomotive along any turnpike road or public highway at a greater speed than ten miles an hour, or through any city, town, or village at a greater speed than five miles an hour; and any person acting contrary hereto shall for every such offence, on summary conviction thereof before two justices, if he be not the owner of such locomotive, forfeit any sum not exceeding 5*l*, and if he be the owner thereof, shall forfeit any sum not exceeding 10*l*.

12. All the clauses and provisions of any general or local acts relating to turnpike roads or highways shall, so far as the same are not expressly altered or repealed by or are not inconsistent with the provisions of this act, apply to all locomotives propelled by other than animal power, and to all waggons, wains, carts, and carriages of any other description drawn by such locomotive, and to the owners, drivers, and attendants thereof, in like manner as if drawn by animal power: provided always, that the weight of every locomotive, and the name of the owner or owners thereof, shall be conspicuously and legibly affixed thereon; and any owner not having affixed such weight and such name shall, upon conviction thereof before two justices, forfeit any sum not exceeding 5*l*; and any owner who shall fraudulently affix thereon any incorrect weight shall, upon conviction thereof, forfeit any sum not exceeding 10*l*.

13. Nothing in this act contained shall authorise any person to use upon a highway a locomotive engine which shall be so constructed or used as to cause a public or private nuisance; and every such person so using such engine shall, notwithstanding this act, be liable to an indictment or action, as the case may be, for such use, where, but for the passing of this act, such indictment or action could be maintained.

14. This act may be cited as "The Locomotive Act, 1861."

15. This act shall extend to Great Britain.

#### CAP. LXXI.

An Act to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to Advances and Repayments of Public Monies for Public Works. [1st August, 1861.]

The preamble recites the 6 & 7 Vict. c. 44; 10 & 11 Vict. c. 32; 12 & 13 Vict. c. 60; and 16 & 17 Vict. c. 136.

Sect. 1. The Commissioners of the Treasury to make regulations in respect of public monies advanced.

2. The Commissioners of the Treasury to make orders for closing and balancing accounts.

3. All books belonging to the office of paymaster to be transferred as directed.

4. The Commissioners of Public Works, or such persons as the Commissioners of the Treasury may appoint, may do acts heretofore performed by the Paymaster of the Civil Services.

5. Sect. 12 of the 7 Vict. c. 44, and sect. 8 of the 19 Vict. c. 18, not applicable to repayments of loans by rent-charge or annuity.

#### CAP. LXXII.

An Act to make further Provision for the Regulation of the British White Herring Fishery in Scotland.

[1st August, 1861.]

The preamble recites the 23 & 24 Vict. c. 92, s. 1.

Sect. 1. Penalty for selling &c. herrings during close time.

2. Penalty for selling &c. herrings taken contrary to the provisions of the 14 & 15 Vict. c. 23, s. 6.

3. Penalty for defacing marks or numbers on boats, sails, &c.

4. Herrings, &c. seized to be forfeited.

5. Regulations may be made suspending provisions of act to admit of sprat fishing within part of the Firth of Forth.

6. Declaring the import of the 13th section of the recited act.

7. Constables acting under the orders of sheriffs, &c. may exercise powers of act.

8. Powers of recited acts extended to this act.

#### CAP. LXXIII.

An Act to amend the Law relating to the Copyright of Designs. [6th August, 1861.]

Sect. 1. *Stat. 5 & 6 Vict. c. 100, and other acts relating to copyright of designs, extended.*

#### 2. Application of acts.

Whereas, by an act passed in the session holden in the 5 & 6 Vict. c. 100, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," it was enacted, that the proprietor of every such design as therein mentioned, not previously published either within the United Kingdom of Great Britain and Ireland or elsewhere, should have the sole right to apply the same to any articles of manufacture, or to any such substances as therein mentioned, provided the same were done within the United Kingdom of Great Britain and Ireland, for the respective terms therein mentioned, and should have such copyright in such designs as therein provided: and whereas divers acts have since been passed extending or amending the said recited acts: and whereas it is expedient that the provisions of the said recited act, and of all acts extending or amending the same, should apply to designs, and to the application of such designs, within the meaning of the said acts, whether such application be effected within the United Kingdom or elsewhere: be it enacted &c. as follows:—

Sect. 1. That the said recited act, and all acts extending or amending the same, shall be construed as if the words "provided the same be done within the United Kingdom of Great Britain and Ireland" had not been contained in the said recited act; and the said recited act, and all acts extending or amending the same, shall apply to every such design as therein referred to, whether the application thereof be done within the United Kingdom or elsewhere, and whether the inventor or proprietor of such design be or be not a subject of her Majesty.

2. That the said several acts shall not be construed to apply to the subjects of her Majesty only.

#### CAP. LXXIV.

An Act to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons. [6th August, 1861.]

Sect. 1. Enlistment of soldiers transferred from the Indian to the general forces of her Majesty to be valid for the unexpired portions of the service of such soldiers.

2. Persons so transferred to be accounted natural-born subjects for the purposes of military service.

3. Rights of persons so transferred to pensions for service in her Majesty's general forces.

4. No enlistment in India invalid by reason of the absence of a warrant from the Secretary at War, or because made out of her Majesty's dominions.

#### CAP. LXXV.

An Act for amending the Municipal Corporations Act.

[6th August, 1861.]

Sect. 1. *Short title.*

2. *Construction of sect. 57 of the 5 & 6 Will. 4, c. 76.*

3. *Amendment of sect. 98 of the 5 & 6 Will. 4, c. 76.*

4. *Boroughs having a separate commission of the peace to be deemed towns corporate for the purposes of the Alehouse Licensing Act.*

5. *Repeal of sect. 112 of the 5 & 6 Will. 4, c. 76, and new provisions enacted in lieu thereof.*
6. *Provisions of the 22 & 23 Vict. c. 56, as to appointment of inspectors of weights and measures, extended to boroughs having a separate commission of the peace.*
7. *Not to affect the 17 & 18 Vict. c. 90.*
8. *Construction of act.*

Sect. 1. This act may be cited for all purposes as "The Municipal Corporations Act Amendment Act, 1861."

2. Whereas by the 57th section of the principal act it is provided that the mayor for the time being of every borough shall be a justice of the peace of and for such borough, and shall continue to be such justice of the peace during the next succeeding year after he has ceased to be mayor, unless disqualified as thereinbefore mentioned; and that such mayor shall, during the time of his mayoralty, have precedence in all places within the borough: it is hereby enacted, that the mayor of every borough shall, during the time of his mayoralty, have precedence over all justices of the peace acting in and for such borough, and be entitled to take the chair at all meetings of justices held within the borough at which he may be present by virtue of his office of mayor, subject to these provisos: firstly, that the mayor of a borough shall not by virtue of this section have any precedence over the justices of the peace acting in and for the county, riding, or division of a county in which any such borough is situate, unless when acting in relation to the business of such borough, or over any stipendiary magistrate engaged in administering justice; and, secondly, that by virtue of this section the mayor of Cambridge shall not have any precedence over the Vice-Chancellor of the University of Cambridge, and the mayor of Oxford shall not have any precedence over the Vice-Chancellor of the University of Oxford.

3. Whereas by the 98th section of the principal act it is provided that every person assigned by her Majesty's commission to act as justice in and for a borough shall reside within the borough for which he shall be so assigned, or within seven miles of the borough, or of some part thereof, during such time as he shall act as a justice of the peace in and for such borough; and by the 9th section of the principal act it is provided that every Burgess shall be an inhabitant householder within the borough, or within seven miles thereof: it is hereby enacted, that every such justice shall be deemed to reside within such borough if he occupies any house, shop, warehouse, or other premises within the same.

4. Whereas by the 98th section of the principal act it is provided that her Majesty's commission may be issued to certain persons to act as justices of the peace in and for each of the several boroughs therein mentioned: and whereas doubts have arisen whether boroughs having separate commissions of the peace, but not having separate courts of quarter sessions, are "towns corporate" within the meaning of the act 9 Geo. 4, sess. 2, c. 61, intituled "An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England," so as to give the justices of such boroughs control over the granting or withdrawing licenses, and it is desirable that such doubts should be removed: it is hereby declared, that in the construction of the last-mentioned act the words "town corporate," and the words "county or place," and the words "division or place," include every borough in England having a separate commission of the peace, although it may not have a separate court of quarter sessions; and that the words "high constable," where used in the same act, include any constable of any such borough to whom the justices of the same borough may direct their precept or precepts under the same act; and that all licenses hitherto granted and all transfers of licenses hitherto made in pursuance of the same act, or of the act of the 5 & 6 Vict. c. 44, or any other act, by the justices of any such borough, are hereby declared to be valid and effectual to all intents and purposes.

5. Whereas by the 102nd section of the principal act it is enacted, that it shall not be lawful for the justices of any borough to appoint or continue as such clerk to the justices any alderman or councillor of such borough, or clerk of the peace for such borough, or partner of such clerk of the peace, or any clerk or person in the employ of such clerk of the peace; and that it shall not be lawful for the said clerk to the justices, by himself or his partner, to be directly or indi-

rectly interested or employed in the prosecution of any offender committed for trial by the justices of whom he shall be such clerk as aforesaid, or any of them, at any court of gaol delivery, or general or quarter sessions; and that any person being an alderman or councillor, or clerk of the peace of any borough, or the partner or clerk, or in the employ of such clerk of the peace, who shall act as clerk to the justices of such borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of 100l. as therein mentioned: and whereas the said provisions have been found to be insufficient for preventing the mischief thereby intended to be prevented: it is hereby enacted, that the said provisions of the 102nd section of the principal act shall be repealed; and from and after the passing of this act it shall not be lawful for the justices of any borough to appoint or continue as their clerk any alderman or councillor of such borough, or the clerk of the peace of such borough or of the county in which such borough is situate, or the partner of any such clerk of the peace; and it shall not be lawful for the clerk to the justices of any borough, by himself or his partner, or otherwise, to be directly or indirectly employed or interested in the prosecution of any offender committed for trial by the justices of such borough, or any of them, at any court of gaol delivery, or general or quarter sessions; and any person who shall in anywise offend in the premises shall for every such offence forfeit and pay the sum of 100l., one moiety thereof to the treasurer of such borough, to be paid over to the credit and account of the borough fund, and the other moiety thereof, with costs of suit, to any person who may sue for the same in any of her Majesty's courts of record at Westminster: provided that nothing herein contained shall prevent the justices of any borough re-appointing as their clerk any clerk of the peace or partner of such clerk of the peace of their borough, or of the county in which such borough is situate, who at the time of the passing of this act shall be, or who shall not at the time of such re-appointment have ceased to be, the clerk of such justices.

6. Whereas by the 4th section of an act passed in the 22 & 23 Vict. c. 56, intituled "An Act to amend an Act of the 5 & 6 Will. 4, c. 63, relating to Weights and Measures," certain powers of appointing inspectors of weights and measures are conferred on the town councils of all municipal boroughs in England and Wales incorporated under the provisions of the principal act, to which a separate court of quarter sessions has been granted: and whereas it is expedient to extend such provisions to the town councils of all municipal boroughs in England and Wales having a separate commission of the peace, although they may not have a separate court of quarter sessions: it is hereby enacted, that all the provisions of the said 4th section shall extend to boroughs having a separate commission of the peace, in the same manner as if such boroughs were therein included under the description of "boroughs to which a separate court of quarter sessions has been granted."

7. Nothing in this act contained shall affect the Manchester Division Stipendiary Act, 1864, or any provision therein contained.

8. This act shall be construed as one with the said principal act.

#### CAP. LXXVI.

An Act to amend the Law relating to the Removal of Poor Persons to Ireland. [6th August, 1861.]

Sect. 1. Warrant of removal to be signed in petty sessions, or by a police magistrate.

2. Warrant to contain name and age of every person to be removed, and other particulars. *Proviso.*

3. Copy of the warrant to be sent to the guardians of the place to which the removal is to be made.

4. Warrant shall order poor persons to be conveyed to the place mentioned in the warrant.

5. The guardians of the poor of the union at the port may forward the pauper to the place of destination, and recover the costs from the board of guardians in England.

6. Women and children not to be removed as deck passengers during the winter.

7. Sect. 6 of the 8 & 9 Vict. c. 117, repealed.

8. Acts to be construed together.

## CAP. LXXVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [6th August, 1861.]

The preamble recites the 1 Geo. 1, st. 2, c. 13; 13 Car. 2, st. 2, c. 1; 25 Car. 2, c. 9; 30 Car. 2, st. 2; 8 Geo. 1, c. 6; 9 Geo. 2, c. 26; 18 Geo. 2, c. 20; 6 Geo. 3, c. 58; 9 Geo. 4, c. 17; 10 Geo. 4, c. 7; and 21 & 22 Vict. c. 48.

Sect. 1. Persons who have omitted to qualify themselves as required by the recited acts indemnified, and allowed further time.

2. Indemnity to those who have omitted to make and subscribe the oaths and declaration required by the Irish act, 2 Ann. c. 6.

3. Not to indemnify persons against whom final judgment has been given.

4. Not to exempt justices acting without legal qualification.

5. Admissions to corporations may be stamped after the time allowed.

6. Not to restore persons to any office avoided by judgment.

7. General issue.

## CAP. LXXVIII.

An Act to repeal certain Enactments relating to nominating and appointing the Householdors of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof. [6th August, 1861.]

Sect. 1. *Repeal of part of recited acts after the 29th September, 1861.*

2. *Not to extend to offences committed before the passing of this act.*

3. *Dean and court of burgesses to appoint, remunerate, suspend, or discharge inspectors.*

4. *Oath to be taken by inspector.*

5. *Inspectors to visit shops and warehouses; power to seize weights and summon offenders; maximum of fines fixed.*

6. *Inspector to inspect weights and measures of persons in the streets; power to break unjust weights and summon offenders; maximum of fines fixed.*

7. *Power to court to summon and examine witnesses.*

8. *Summons to be under the seal of the court.*

9. *Service of summonses.*

10. *Penalty on witnesses for not attending and giving evidence.*

11. *Forms of summons and conviction.*

12. *Penalties for obstructing inspector.*

13. *Penalties for misconduct of inspector.*

14. *Fines to be paid to high bailiff and court of burgesses.*

15. *Penalties for obstructing and for misconduct of inspector recoverable under the Metropolitan Police Act.*

16. *Office of sizer and sealer to be held during the pleasure of the court of burgesses.*

17. *Reserving rights of the court of burgesses.*

Sect. 1. From and after the 29th day of September, 1861, so much of the said act and amended acts as relates to the appointment of annoyance jurors shall be and the same is hereby repealed.

2. Provided always, that nothing herein contained shall extend, or be construed to extend, to interfere with any acts done or appointments made under the authority of the said recited acts, or to prevent the suing for or recovery of any penalty incurred by any offence committed against the provisions of the said recited acts previous to the repeal thereof in and by this act.

3. On and after the 29th September, 1861, the appointment of such annoyance jurors shall cease, and the dean of the collegiate church of St. Peter, Westminster, for the time being, or the high steward of the city and liberty of Westminster for the time being, or his lawful deputy, shall and may, from time to time, as circumstances may require, call a meeting or meetings of the court of burgesses of the city and liberty of Westminster, at which court the said dean, or the high steward or his deputy, or one of the chief burgesses and four of the burgesses shall be present; and such court so constituted shall exercise the powers by this act given to the

court of burgesses, and shall and may and is hereby required to appoint one or more inspectors of weights and measures, who shall hold the office during the pleasure of the said court, which is hereby empowered to suspend or dismiss any inspector so appointed, and to appoint other inspectors as occasion may require, and shall direct what reasonable remuneration shall be paid to every inspector for the discharge of such duties as he is ordered by the said court of burgesses to perform, within the limits of its jurisdiction, for preventing persons dealing by unlawful weights, balances, or measures within the said city or liberty of Westminster.

4. Provided always, that every inspector under this act, before he enters upon the execution of his office, shall take an oath to the effect following, which oath the said court of burgesses is hereby empowered to administer:—

"I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill, judgment, and ability, execute the powers and duties of an inspector of weights and measures under an act passed in the — year of the reign of Queen Victoria, intituled 'An Act to repeal certain Enactments relating to nominating and appointing the Householdors of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof,' and that I will execute those powers and duties without hatred or malice, fear, favour, or affection. So help me God."

5. Every inspector under this act shall and may, with or without one or more person or persons acting by his or their authority, at all reasonable times during the hours of business in the day or night, enter any house, shop, warehouse, building, or yard, within the said city and liberty, in the occupation of, or used by, any person who deals by weight or measure, and search for, take, and examine all weights, measures, balances, steelyards, and weighing machines there found and being; and if any of the same be unlawful, fraudulent, or defective, he may, and is hereby directed and required to seize, keep, and detain the same, and to cause to be summoned the person so offending before the said court of burgesses, which, in default of the appearance of such person, or after hearing such person, or any other one individual who may appear on his behalf, shall, on proof thereof on oath, fine such person so offending in any sum not exceeding 5*l.* for any one offence, and the unlawful or defective weights, measures, balances, steelyards, and weighing machines shall thereupon be forfeited to the said court, and destroyed.

6. Every inspector under this act may, with or without one or more persons acting by his authority, at all reasonable times in the day or night, search for, take, and examine all weights, measures, balances, steelyards, and weighing machines in the possession of any person selling, offering, or exposing for sale any goods on any open ground, or in any public street, lane, thoroughfare, or place, within the said city and liberty of Westminster; and if upon such examination any such weights, measures, balances, steelyards, and weighing machines be found unlawful, fraudulent, or defective, or shall be used in a fraudulent manner, the same shall thereupon forthwith be forfeited to the said court, and be seized, detained, and destroyed; and any person using or having in his possession any such unlawful, fraudulent, or defective weights, measures, balances, steelyards, and weighing machines, or using any weights, measures, balances, steelyards, or weighing machines in a fraudulent manner, shall be summoned before the said court of burgesses, which, in default of the appearance of such person, or after hearing such person, or any other one individual who may appear on his behalf, shall, on proof thereof on oath, fine such person in any sum not exceeding 5*l.* for any one offence.

7. The said court of burgesses may summon witnesses to give evidence before that court touching any matters arising under the 5th and 6th sections of this act, or either of them, and may examine those witnesses on oath, and may do all things necessary for the due and proper hearing and determination of any of the said matters so arising as aforesaid.

8. Every summons under this act shall be issued by the town clerk under the common seal of the said court of burgesses.

9. Every summons under this act may be served upon the person to whom it is directed by delivering the same to such person personally, or by leaving the same with some person for him at his last or most usual place of business or abode,



10. Any person summoned as a witness to give evidence before the said court of burgesses touching any matters arising under the said 5th and 6th sections of this act, or either of them, who shall neglect or refuse to appear at the time and place for that purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by the said court of burgesses, or who appearing shall refuse to be examined on oath or affirmation and give evidence, shall, on conviction by the said court of burgesses, forfeit and pay to the said court of burgesses a fine not exceeding 5*l*. for every such offence.

11. Any summons or conviction under this act may be in the form given in the schedule to the 19 Vict. c. 43, so far as any form of summons or conviction therein may be applicable to the particular case, and with such alterations or additions as the circumstances of each case may require, and every such form, or any form to the like effect, shall be deemed good, valid, and sufficient in the law.

12. Every person who shall abuse or insult any such inspector when in the execution of his office, or shall in any way obstruct the execution of the said office, shall be liable to a penalty not exceeding 40*s*.

13. Every inspector, and every person acting under his authority, who shall ask, demand, or take any sum of money or other gratuity or reward whatsoever for or under pretence of excusing any person or persons, or for not summoning any person or persons for any offences committed under this act, or shall otherwise misconduct himself in the execution of his office, shall be liable to a penalty not exceeding 5*l*.

14. All fines imposed by the said court of burgesses under this act shall and may be levied and recovered in the like manner as the fines and amercements set or imposed by the said recited acts are thereby directed to be levied and recovered; and all sums so recovered shall be applied and disposed of in the manner following; that is to say, the high bailiff of Westminster or his deputy for the time being shall be and he is hereby entitled to one moiety thereof, and shall receive and take the same to his own use, and the other moiety thereof shall be taken and applied by the said court of burgesses to pay the necessary charges and expenses that shall attend the execution of this act.

15. The penalties imposed by the 12th and 13th sections of this act shall be recovered and applied in the same way as if the offences created and penalties imposed by those sections had, at the passing of an act passed in the 3 Vict. c. 47, been created and imposed by, and those sections had been enacted in, the 54th section of that act.

16. If any vacancy shall at the passing of this act exist or hereafter occur in the office of sizing and sealing weights and measures under the said acts, or either of them, every person appointed to fill that office shall hold the same during the pleasure of the said court of burgesses, which may suspend or dismiss every such person, and appoint others, as occasion requires.

17. Nothing in this act contained shall, except so far as is by this act expressly provided, extend or be construed to extend to interfere with the appointment of any officer by the court of burgesses, or with sealing, alizing, stamping, or marking of any weights or measures, or with the fees for sealing, sizing, stamping, or marking such weights and measures payable before the passing of this act; and this act shall be construed and taken together with the said recited acts, and the said acts and this act shall, so far as the provisions of the same are respectively consistent, be read together as one act.

#### CAP. LXXIX.

An Act to amend the Metropolis Gas Act.

[6th August, 1861.]

Sect. 1. *Powers conferred on justices of the peace by the 22 & 23 Vict. c. 66, as amended by the 23 & 24 Vict. c. 146, in so far as relates to the metropolis, transferred to the Metropolitan Board of Works.*

2. *So much of sect. 1 of the 23 & 24 Vict. c. 146, as respects the metropolis, repealed.*

Sect. 1. All powers conferred on the justices of the peace of any county in general or quarter sessions assembled, by the act passed in the 22 & 23 Vict. c. 66, intituled "An Act for regulating Measures used in Sales of Gas," as amended by an act passed in the session of the 23 & 24 Vict. c. 146,

and intituled "An Act to amend the Act for regulating Measures used in Sales of Gas," shall, in so far as relate to the metropolis, as defined by an act passed in the session holden in the 18 & 19 Vict. c. 120, and intituled "An Act for the better Local Management of the Metropolis," be transferred and vested in the Metropolitan Board of Works; and so many of the said powers as are conferred by sect. 4 of the said act of the 22 & 23 Vict. shall be exercised by such board within two months after the passing of this act, and so from time to time thereafter as in the said act mentioned; and all expenses incurred by the said board in pursuance of this act shall be defrayed by them out of rates leviable by them within their jurisdiction, exclusive of the city of London.

2. So much of the said act passed in the session holden in the 23 & 24 Vict. c. 146, as provides that, notwithstanding anything contained in the said act for regulating measures used in sales of gas, the said act shall not come into operation in any county of England until the magistrates of such county in quarter sessions shall have resolved to bring such county under the operation of the act, shall be repealed, so far as respects the metropolis, as hereinbefore defined.

#### CAP. LXXX.

An Act to authorise Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, and for other Purposes.

[6th August, 1861.]

Sect. 1. Power to charge 360,000*l*. per annum upon the Consolidated Fund by issues not exceeding 90,000*l*. per quarter.

2. Power to charge 350,000*l*. per annum upon the Consolidated Fund by issues not exceeding 87,500*l*. per quarter, for harbours, &c.

3. Commissioners for Reduction of National Debt to be trustees of public works loan fund, and to cause a separate account to be continued at the Bank of England for the purpose.

4. Bank to continue the account already opened with the commissioners for executing this act.

5. Money paid into the Bank to the account of commissioners for executing this act to be carried to and be made part of the Consolidated Fund.

6. Commissioners for executing recited acts to be commissioners, together with others, for executing this act.

7. Commissioners to sign declaration before acting.

8. Amount of monies to be advanced under this act to be certified to the Commissioners for the Reduction of the National Debt.

9. Commissioners for executing recited acts and this act to lay annual accounts before Parliament.

10. Commissioners for Reduction of the National Debt to furnish annual account of the fund for audit.

11. Powers, &c. of recited acts to have the same force as if re-enacted in this act.

#### CAP. LXXXI.

An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland.

[6th August, 1861.]

#### CAP. LXXXII.

An Act for making Provision for the good Government and Extension of the University of Durham.

[6th August, 1861.]

Sect. 1. Short title.

2. Appointment of commissioners.

3. Duration of powers of commissioners.

4. Vacancy in number of commissioners.

5. Commissioners empowered to require production of documents.

6. Powers of commissioners.

7. Restrictions on exercise of powers by commissioners.

8. Ordinances to be laid before the Queen in Council.

9. Statutes to be laid before Parliament.

10. Statutes by commissioners subject to repeal, &c.

11. Persons becoming members not to possess vested interests.

12. Powers of university to continue in force as altered by this act.

13. Interpretation of terms.

CAP. LXXXIII.

An Act to amend the Law regarding the Registration of County Voters in Scotland. [6th August, 1861.]

CAP. LXXXIV.

An Act to amend the Law in Scotland relative to the Resignation, Powers, and Liabilities of Gratuitous Trustees. [6th August, 1861.]

Sect. 1. *What trusts hereafter constituted shall be held to include.*

2. *Not to affect liabilities incurred by trustees prior to resignation, &c.*

3. *Construction of the term "gratuitous trustee."*

Be it enacted &c. as follows:—

Sect. 1. All trusts constituted by virtue of any deed or local act of Parliament, under which gratuitous trustees are nominated, shall be held to include the following provisions, unless the contrary be expressed; that is to say, power to any trustee so nominated to resign the office of trustee; power to such trustee, if there be only one, or to the trustees so nominated, or a quorum of them, to assume new trustees; a provision that the majority of the trustees accepting and surviving shall be a quorum; and a provision that each such trustee shall only be liable for his own acts and intromissions, and shall not be liable for the acts and intromissions of co-trustees, and shall not be liable for omissions.

2. Nothing contained in this act shall affect any liability incurred by any gratuitous trustee prior to the date of any resignation or assumption under the provisions of this act, nor any action at law commenced before the passing of this act.

3. A gratuitous trustee shall, for the purposes of this act, be held to be any trustee who receives no pecuniary or valuable consideration for performing the duties of a trustee, and is under no obligation, without special acceptance of such office, to discharge the duties of trustee: provided always, that nothing in this act shall extend to any trustee appointed under the contract of any trading company.

CAP. LXXXV.

An Act to authorise for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland. [6th August, 1861.]

The preamble recites stats. 1 & 2 Will. 4, c. 33; 6 & 7 Will. 4, c. 108; 7 Will. 4 & 1 Vict. c. 21; 1 & 2 Vict. c. 88; 2 & 3 Vict. c. 50; 5 & 6 Vict. c. 9; 6 & 7 Vict. c. 44; 9 & 10 Vict. c. 1; 9 & 10 Vict. c. 85; 14 & 15 Vict. c. 51; 19 Vict. c. 18; and 24 & 25 Vict. c. 80.

Sect. 1. Appointment of commissioners.

2. Treasury may, out of the £60,000l. per annum granted by the 24 & 25 Vict. c. 80, apply a sum not exceeding 15,000l. per quarter for public works in Ireland.

3. The separate account already opened to be continued at the Bank of England.

4. When Treasury shall have sanctioned loans, Commissioners of Public Works to certify amount of issue to National Debt Office. Upon certificate being produced, payment to be made. Approval of Treasury of such issue to appear on certificate.

5. Order to be entered by the proper officer, countersigned by the actuary, and addressed to the cashiers of the Bank of England, who shall pay the same.

6. Commissioners for Reduction of National Debt to furnish an annual account for audit.

7. Appropriation and entry of repayments.

8. All sums paid into the Bank of Ireland to be carried to and made part of the Consolidated Fund.

9. Commissioners for executing recited acts and this act to lay annual accounts before Parliament.

10. Powers of recited act as to advances to have the same force as if re-enacted in this act.

CAP. LXXXVI.

An Act to amend the Law regarding Conjugal Rights in Scotland. [6th August, 1861.]

Sect. 1. A wife deserted by her husband may apply for an order to protect property which she has or may acquire by her own industry, or which she may succeed to.

2. Husband or creditor may apply by petition for recall of order.

3. Interlocutors may be reviewed. How long order of protection to continue operative. No action of adherence competent while order subsists.

4. After interlocutor of protection is pronounced, property of wife to belong to her as if unmarried.

5. Order of protection to have effect of decree of separation.

6. In case of separation the property of the wife to belong to her, exclusively of the *ius mariti* and right of administration; also for purposes of contract and suing.

7. In action of divorce adulterer to be co-defender.

8. Lord Advocate may enter appearance in actions for nullity of marriage and divorce.

9. In action for separation, court may make interim orders with respect to children.

10. In every consistorial action the summons to be served on defender personally when not within Scotland.

11. Not necessary to institute an action of adherence against defender prior to action for divorce.

12. Terce claimable from burgage property.

13. Lord Ordinary to take proofs in consistorial actions.

14. Payment to certain sheriffs.

15. Actions of aliment.

16. When a married woman succeeds to property, &c., husband or creditor not entitled to claim the same.

17. Court of Session empowered to make acts of sederunt.

18. Repeal of laws inconsistent with this act.

19. Interpretation of terms.

20. Short title.

21. Commencement of act.

CAP. LXXXVII.

An Act to amend the Metropolitan Building Act, 1855. [6th August, 1861.]

Sect. 1. Provisions of the 18 & 19 Vict. c. 122, not to apply to buildings of commissioners for the Exhibition of 1861.

2. Short title.

CAP. LXXXVIII.

An Act to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of St. James's Park as a Site for Public Offices. [6th August, 1861.]

CAP. LXXXIX.

An Act to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's British Forces serving in India. [6th August, 1861.]

CAP. XC.

An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two Thousand Five Hundred Pounds, payable from the Revenues of the Harbour and Docks of Leith, under the Authority of an Act passed in the 1 & 2 Vict. c. 55. [6th August, 1861.]

CAP. XCI.

An Act to amend the Laws relating to the Inland Revenue. [6th August, 1861.]

*As to Excise.*

Sect. 1. Methylated spirit may be retailed under license for that purpose.

2. Licenses to be renewed annually.

3. Conditions to be observed by retailer of methylated spirit. Penalty for offending contrary to this section.

4. Distillers who are makers of methylated spirit may supply licensed makers of such spirit.

5. Penalty for selling methylated spirit without license.

6. Methylated spirit not to be prepared or sold as a beverage.

7. New rates of drawback on beer exported, in lieu of former rates. Provisions of former laws to apply.

8. Persons not compellable to take out a refreshment house license for a house not kept open after ten o'clock at night.

9. Lower rate of duty on refreshment house licenses for houses under 30*l*. annual value. Allowance of duty paid for refreshment house license to be made on taking out wine license.

10. Persons licensed to retail beer not precluded from taking out wine licenses.

11. Persons licensed to retail wine not to be subject to penalty, under the Beer Acts, for having wine or sweets in possession.

12. Penalty on persons selling beer by retail in Scotland without being duly authorised and licensed.

13. Exemptions as to the sale of beer or spirits at fairs or races not repealed by 23 & 24 Vict. c. 113 and 114.

14. All licenses granted under the acts relating to the retailing of beer to expire on the 10th October in each year.

15. Duty on race-horses to be paid for the year ending on the 31st December in 1862, and in any subsequent year.

16. No penalty for letting for hire a horse or carriage to convey a prisoner to gaol.

17. Persons dealing in game without excise license to be liable to penalty, whether licensed by the justices or not.

18. Sect. 31 of stat. 1 & 2 Will. 4, c. 55, with respect to penalties under the Illicit Distillation Acts in Ireland, not repealed by sect. 6 of stat. 20 & 21 Vict. c. 40.

19. Persons aggrieved by judgment of justices on information under stats. 1 & 2 Will. 4, c. 55; 17 & 18 Vict. c. 89, and 20 & 21 Vict. c. 40, may appeal.

20. Justices in Ireland empowered to further mitigate the penalty for offences under sect. 195 of stat. 23 & 24 Vict. c. 114.

21. Pending an appeal against an order of justices refusing a certificate to authorise the renewal of an excise license to sell beer, &c. in Ireland, appellant to deposit the duties for an excise license with the collector.

22. Powers given to officers of excise by stat. 1 & 2 Will. 4, c. 55, as to seizure of private stills, &c. in Ireland, extended to officers of customs.

23. Power to officers of excise to examine stills or retorts kept by persons not being distillers, rectifiers, or compounders of spirits, or vinegar makers.

24. Charging of excise duty on sugar used in brewing deferred until the 1st July, 1862.

#### *As to Stamps.*

25. In lieu of the stamp duties now payable on protests and other notarial acts, there shall be paid the duties following; that is to say—

Protest of any bill of exchange or promissory note, where the stamp duty on the bill or note does not exceed 1 <i>s</i> . . . . .	The same duty as on the bill or note.
Protest of any other bill of exchange or promissory note, and protest of any other kind, and other notarial act whatsoever . . . . .	£0 1 0
And for every sheet or piece of paper, parchment, or vellum upon which the same shall be written, after the first, a further progressive duty of . . . . .	0 1 0

26. In lieu of the stamp duty of 1*l*. 10*s*., which may by law be now payable on any of the instruments hereinafter mentioned, there shall be charged as follows; that is to say—

For and in respect of any letter or power of attorney, or commission, factory, mandate, or other instrument in the nature thereof, made for the sole purpose of appointing, nominating, or authorising any person to vote as a proxy, commissioner, mandatory, or otherwise, at any one meeting of the proprietors, members, or contributors to the funds of any institution established for the purposes of education or charity, or of other persons having the direction or control of the affairs of the institution, the time of holding whereof shall be specified in such instrument, or at any adjournment of such meeting, the stamp duty of 6*d*.

27. The stamp duty of 6*d*., granted by this act and any former act, upon a letter or power of attorney, commission, factory, mandate, or other instrument in the nature thereof, may be denoted by an adhesive stamp to be provided by the Commissioners of Inland Revenue, and affixed to the instrument, and cancelled by the person signing the instrument, by writing his name, or the initials thereof, upon or across the stamp, together with the date of the day of the meeting for voting at which the instrument is made; but nothing herein contained shall relieve any person from the penalty incurred by making or signing any such instrument on paper not duly stamped, or by voting or attempting to vote under the authority thereof, unless there shall be affixed thereto, and cancelled as aforesaid, the proper adhesive stamp.

28. The stamp duties by this act imposed, and also any other stamp duties which shall at any time become payable under any act of Parliament, and also any fees by any act now in force, or any future act, directed to be collected or received by means of stamps, shall respectively be raised, levied, collected, paid, and secured, under and by virtue of and subject to all the powers, provisions, clauses, regulations, directions, allowances, and exemptions, fines, forfeitures, pains, and penalties, applicable thereto, for the time being in force relating to stamp duties of the like kind or description respectively, or any schedule thereto; all which powers, provisions, clauses, regulations, directions, allowances, and exemptions, fines, forfeitures, pains, and penalties respectively, shall be of full force and effect with respect to all such duties and fees respectively, and to the vellum, parchment, and paper, instruments, matters, and things charged and chargeable therewith, or in respect whereof the same are to be paid, and to the persons liable to the payment thereof, so far as the same are or shall be applicable, in all cases for which no express provision is or shall be made, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties and fees respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with any such express provisions, as fully and effectually, to all intents and purposes, as if the same were specially enacted, *mutatis mutandis*, with reference to such duties and fees respectively.

29. Sect. 8 of the act passed in the 23 & 24 Vict. c. 111 so far as it relates to the renewal or continuance of any assurance upon death or personal injury, shall be and the same is hereby repealed.

30. Where, upon the appointment of a new trustee, the property which is the subject of one and the same settlement, or of trusts created for the benefit of the same parties, is of various kinds or descriptions, or is held under different titles, and it is necessary or desirable that it should be conveyed to or vested in the trustee by means of several deeds or instruments, or where, upon any such appointment, several deeds or instruments are made or executed for the purpose only of transferring to and vesting in the trustee the same trust property, if in any of such cases one of the deeds or instruments shall be stamped with the duty of 1*l*. 15*s*., it shall be sufficient if the others or other shall be stamped with the duty that would by law be chargeable on a duplicate or counterpart thereof; and on all the deeds or instruments being produced, duly stamped accordingly, it shall be lawful for the Commissioners of Inland Revenue, on being satisfied as to the facts, to impress the deeds or instruments, not having the duty of 1*l*. 15*s*. thereon, with a particular stamp, to denote the payment of such duty on some other instrument.

31. Whereas, by an act passed in the 13 & 14 Vict. c. 97, certain stamp duties were imposed on a duplicate or counterpart of any deed or instrument chargeable with stamp duty under that act, or any act then in force, and also certain progressive duties on any such deed or instrument, the said duties respectively being regulated by the amount of stamp duty otherwise chargeable on such last-mentioned deed or instrument, and on the original deed or instrument, in the case of a duplicate or counterpart: for disposing of doubts as to the duties chargeable on any such duplicate or counterpart, and the progressive duties on any deed or instrument, where, by any act since passed or hereafter to be passed, stamp duties, not being progressive duties, have been or may be granted or imposed on any deed or instrument, be it enacted, that the progressive duties payable on any such last-mentioned deed

or instrument, and the stamp duties on any duplicate or counterpart thereof, shall, in the absence of any express provision in that behalf, be the same as would have been payable if the stamp duties on such deed or instrument had been imposed or granted by the aforesaid act of the 13 & 14 Vict.

32. In any case where, under any act of Parliament now or hereafter in force, it is or shall be competent to or incumbent upon any person or persons to affix to any instrument chargeable with stamp duty an adhesive stamp to denote such duty, and to cancel the same, it shall be lawful for any officer of Inland Revenue, duly authorised by the Commissioners of Inland Revenue in that behalf, on any such instrument being produced to him, to affix thereto the proper adhesive stamp, and to cancel the same by any means the commissioners may think proper; and thereupon the said instrument shall be deemed to be as well and sufficiently stamped as if the stamp had been affixed and cancelled by the person or persons allowed or required by law to affix and cancel the same, and as if the instrument had been impressed with a stamp denoting the same amount of duty as the stamp so affixed: provided that nothing herein contained shall authorise the stamping of any instrument not allowed by law to be stamped after it is made, signed, or issued, or after the expiration of any period by law limited for stamping the same, nor in any way alter or affect the law requiring the payment of a penalty on the stamping of any such instrument.

33. In any case where an adhesive stamp used for denoting any stamp duty is required by law to be cancelled by any person, by writing thereon his name, or the name of his firm, it shall be sufficient if, instead of the name in full, the initials thereof shall be so written, or shall be stamped or impressed in ink thereon, together with any other particulars specially required by law to be written thereon, provided that by means thereof the stamp shall be effectually obliterated and cancelled, so as not to admit of its being used again, anything in any act to the contrary notwithstanding; and where the adhesive stamp on any foreign bill or promissory note shall, on such bill or note being received by any person who shall be or become the bona fide holder thereof, be effectually obliterated, and shall purport and appear to be duly cancelled, the same shall, so far as relates to such holder, be deemed to be sufficiently cancelled: provided that where any such bill or note, when so received by any such person as last aforesaid, shall have affixed thereto a proper and sufficient adhesive stamp, but such stamp shall not be duly cancelled, it shall be competent to the holder to cancel the same as if he were the person first negotiating the bill or note; and upon his so doing such bill or note shall be deemed to be duly stamped, and shall be as valid and as available by such holder, and any prior or subsequent holder, as it would have been if the stamp had been affixed and cancelled, as by law required, by the first holder, anything in any act to the contrary notwithstanding; but nothing herein contained shall relieve any person who ought to cancel such stamp from any penalty incurred by not cancelling the same as required by law.

34. No copy of any bill of sale of personal chattels shall be filed in any court unless the original shall be produced to the proper officer with whom the copy is to be filed, duly stamped with the duty to which the same may be liable; and no deed or instrument liable to stamp duty shall be registered until the same is duly stamped.

35. Whereas the licenses and certificates granted to bankers and persons acting as bankers in Great Britain and Ireland respectively, by or under the authority of the Commissioners of Inland Revenue, are required by law to specify, amongst other things, the names and places of abode of all the persons composing the respective companies or partnerships to whom they are granted: be it enacted, that in any case where a company or co-partnership of bankers consists of more than six persons it shall be sufficient to specify in any such license or certificate the names and places of abode of any six or more of such persons who may be presented to the commissioners or their officer, or whom they or he may select for the purpose, and to grant the license or certificate to them as and for the whole of the company or co-partnership, or otherwise to specify only the name or style of the company or co-partnership, and to grant the license or certificate to such company or co-partnership in and by the said name or

style, as the commissioners or their officer shall think fit; and every such license and certificate respectively shall be as good, valid, and available as if the names and places of abode of all the members of the company or co-partnership had been specified therein, and the license had been granted to them, anything in any act of Parliament to the contrary notwithstanding; but this shall not in any way alter or affect the provisions of any act of Parliament whereby any banking company or co-partnership is required to make any account or return of the names and places of abode of all the members or partners of such company or co-partnership, and any other particulars relating thereto.

36. The provision made by the act passed in the 5 & 6 Vict. c. 80, s. 2, and the act passed in the 16 & 17 Vict. c. 34, s. 10, for the assessing and charging the income tax on interest, dividends, or other annual payments payable out of or in respect of the stocks, funds, or shares of any foreign company, society, adventure, or concern, shall be and the same is hereby extended and shall be applied to the assessing and charging of the income tax on all interest, dividends, or other annual payments payable out of or in respect of the stocks, funds, or shares of any colonial company, society, adventure, or concern, and in respect of any securities given by or on account of any such colonial company, society, adventure, or concern, and which said interest, dividends, or annual payments have been or shall be intrusted to any person in the United Kingdom for payment to any persons, corporations, companies, or societies in the United Kingdom; and for this purpose the said sect. 10 of the last-mentioned act and this enactment shall be read and construed together as one enactment, in like manner as if the words "or colonial" had been inserted and contained in the said sect. 10, immediately after the word "foreign," used therein with reference to any company, society, adventure, or concern.

37. In any case in which an assessment shall be made under Schedule (D.) of the acts relating to the income tax, and the party assessed shall within the year of assessment cease to carry on the concern in respect of which the assessment shall be made, and shall be succeeded therein by another person, it shall be lawful for the inspector or surveyor of the district within which the change may take place, at any time before the expiration of three calendar months from the 5th day of April next after such change, to certify to the commissioners for the district in which the assessment shall have been made the particulars thereof, and the Christian and surname and place of residence of the person assessed, and of the successor to the concern, and also the date of the change in the carrying on of the said concern, if the same shall be known to the said inspector or surveyor; and upon the receipt of such certificate the commissioners shall cause notice to be given to the respective parties of a time and place appointed for a meeting of commissioners for considering the same; and the commissioners shall, upon the examination of the respective parties, if in attendance, or upon such other proof of the facts as may be satisfactory to the said commissioners, adjust and apportion the assessment by charging the successor with a fair proportion thereof from the period of his succeeding to the concern and relieving the person originally assessed from a like amount.

38. The determination of the commissioners upon any such certificate shall be final, and the assessment so adjusted shall be recoverable from the respective parties in like manner as an original assessment; provided that if in any case either of the said parties shall have paid, in respect of any assessment so certified, more than the proportion which shall appear by the determination of the commissioners to be chargeable on him, then the amount which shall have been so overpaid shall, when recovered from the party liable, be paid to the person by whom the overpayment may have been made.

#### *As to Land Tax.*

39. And whereas an act was passed in the 6 Geo. 4. c. 32, to provide for the application of monies arising from the excess or surplus of land tax assessed in certain cases beyond the quota or proportion payable by the several parishes or places in Great Britain respectively, and it is expedient to make further and other provision for the application of such monies for the benefit of such respective parishes or places: be it enacted, that in every case where the assessment made or to be made and allowed under the

provisions of the acts relating to the land tax, for or upon any parish or place in any district or division in Great Britain, shall exceed by any amount or sum whatever the quota or proportion payable to her Majesty by or for such parish or place under the provisions of the said acts, the excess or surplus which shall be collected over and above the said quota shall be accounted for and paid in the due and ordinary course of collection to the Receiver-General of Inland Revenue, and shall be by him paid into the Bank of England to the credit of an account to be opened in the books of the said Bank with the Commissioners for the Reduction of the National Debt, and to be intitled "The Account of Surplus Land Tax;" and the Commissioners of Inland Revenue shall cause to be opened and kept in the books of the Inland Revenue Office at Somerset-house an account with every such parish and place respectively, and in every such last-mentioned account shall be entered the sums of money from time to time collected from every such respective parish and place, and paid to the said Receiver-General as such surplus land tax as aforesaid.

40. Whenever the amount of such surplus land tax standing to the credit of any parish or place in any such account as last mentioned shall be sufficient, according to the rules established by law for computing the consideration money for the redemption of land tax, to redeem the sum of 3*l.* land tax, or to redeem the whole of the land tax chargeable on such parish or place, if the same shall be less than 3*l.*, the Commissioners of Inland Revenue shall certify that fact to the Commissioners for the Reduction of the National Debt, who shall thereupon apply and appropriate in the purchase and cancelling of parliamentary stocks or annuities such sum of the monies standing in their names to the credit of the said account of surplus land tax as the said Commissioners of Inland Revenue shall certify to them to be a sufficient consideration, computed according to the rules aforesaid, for the redemption of the amount of land tax mentioned in their certificate as intended to be redeemed thereby.

41. The Commissioners of Inland Revenue, having transmitted such certificate as aforesaid to the Commissioners for the Reduction of the National Debt, shall cause the parish or place named in the said certificate to be debited in the surplus land tax account in the books of the Inland Revenue Office with the sum specified in the said certificate as the sum to be applied in the redemption of land tax chargeable upon such parish or place, and the said Commissioners of Inland Revenue shall also certify to the Commissioners of Land Tax for the district or division in which the said parish or place is situated that the said sum has been so applied, and also the amount of land tax redeemed thereby, and thereupon the said parish or place shall stand exonerated and discharged from the said amount of land tax from such of the quarterly days for payment of land tax as shall next precede the day of the date of the last-mentioned certificate; and the said last-mentioned certificate shall be registered in the books of the proper officer for the registration of land tax redeemed.

42. So much of the said act of the 6 Geo. 4, c. 32, as enacts or directs that the surplus land tax arising in any parish or place shall be applied or appropriated in any other manner than as by this act is directed, shall be and the same is hereby repealed.

43. Provided always, that nothing in this act contained shall extend to repeal the 6th section of the act passed in the 4 & 5 Will. 4, c. 60, or to prevent the Commissioners of Land Tax from deducting from the surplus land tax which shall arise in any parish or place, before payment thereof to the Receiver-General of Inland Revenue, such sum or sums of money as by or under the said last-mentioned enactment are or may be directed or authorised to be paid to the assessors of such parish or place as a remuneration for their trouble in making the assessments to the land tax.

44. The term "parish or place," used in this act with reference to land tax, shall include and be construed to mean any city, borough, town, parish, ward, or place.

#### *As to Land, Assessed, and Income Taxes.*

45. Every collector of any of the said taxes shall, upon clearing his account for any of such taxes, deliver to the commissioners by whom he was appointed the duplicate of the assessment for the year and tax to which such account relates, together with the books or book of receipts and

counterfoils furnished for his use in the collection of such taxes, or in default thereof he shall forfeit the sum of 5*l.*

46. Where any person against whom an information shall be exhibited before a justice of the peace for any offence committed by such person against any act relating to the inland revenue shall be in prison on any account whatever at the time appointed for the hearing of such information, the Commissioners of Inland Revenue shall cause to be obtained and issued out of the Court of Exchequer in England, Scotland, or Ireland, as the case may require, a writ of habeas corpus directed to the governor or keeper of the prison in which such person shall be confined, commanding him to convey such person to the place of hearing to be specified in such writ, in order that the said person may answer the said information and attend the trial thereof; and such writ of habeas corpus shall be issued out of either of the said courts, on application made by any one of the solicitors of Inland Revenue in England, Scotland, or Ireland, on behalf of the said commissioners, to any baron or judge of any of the superior courts of law in England, Scotland, and Ireland respectively; and it shall be lawful for the justices or magistrate before whom any such information shall be brought for adjudication to refuse to proceed with the said information in the absence of the person charged, when satisfactory proof shall be made that such person is confined in prison.

#### CAP. XCII.

An Act to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions. [6th August, 1861.]

Sect. 1. *Proceedings for enforcing payment of succession and legacy duties.*

2. *Certain provisions in the 22 & 23 Vict. c. 21, relating to summary proceedings in England, to extend to Ireland.*

3. *No return of probate duty to be made for voluntary debts.*

Sect. 1. Where any assessment of duty shall be made in pursuance of the Succession Duty Act, 1853, and the duty shall not be paid, and there shall be no appeal from the assessment, where there shall be no notice of disputing the liability to such assessment, the Commissioners of Inland Revenue shall be and they are hereby empowered to take the same or the like proceedings for enforcing the payment of such duty, or any part thereof, from any person liable for the same, or the owner of any property expressly charged therewith, in like manner as they are by sect. 47 of the same act authorised to take for enforcing the delivery of an account, including all the costs of such proceedings; and where proceedings shall be taken under the said section against any accountable party, and an account shall be delivered in pursuance thereof, no cause being shown as therein mentioned, such party shall, on paying the duty assessed on such account, pay also the costs of the proceedings; and where proceedings shall be taken, as authorised by sect. 48 of the same act, to enforce the delivery of accounts under the Legacy Duty Acts, such proceeding shall also extend to the payment of the duty, if any, together with the costs of the proceedings; and for any of the purposes aforesaid the judges of the respective Courts of Exchequer shall frame all necessary writs and orders; and when any such proceedings shall be discharged, the Crown shall be liable to pay costs to the party proceeded against, and in all such cases an appeal shall lie from any judgment of the court in the same manner as from any judgment in a proceeding by information at the suit of the Attorney-General.

2. Whereas an act was passed in the 22 & 23 Vict. c. 21, for regulating the office of Queen's Remembrancer, and amending the practice and procedure on the revenue side of the Court of Exchequer in England, and it is expedient that certain of the provisions contained in the said act should extend to Ireland: be it enacted, that the provisions contained in sects. 10, 11, 12, 13, 14, and 15 of the said last-mentioned act shall, so far as the same are applicable, extend to Ireland, and the said sections shall be read as if the same were expressly enacted in reference to Ireland.

3. No return of stamp duty paid upon any probate or letters of administration in England or Ireland, or any inventory of the estate and effects of any deceased person in Scot-

land, shall be made or allowed in respect of any voluntary debt due from any person dying after the 28th day of June, 1861, which shall be expressed to be payable on the death of such person, or payable under any instrument which shall not have been bona fide delivered to the donee thereof three months before the death of such person.

CAP. XCIII.

An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments.

[6th August, 1861.]

Sect. 1. Officers of customs, inland revenue, and post-office to furnish annual accounts of sums voted by Parliament for their several departments.

2. Certain sections of recited act to be applicable to accounts prepared under this act.

CAP. XCIV.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences.

[6th August, 1861.]

- Sect. 1. *Accessories before the fact may be tried and punished as principals.*  
2. *Accessories before the fact may be indicted as such, or as substantive felons.*  
3. *Accessories after the fact may be indicted as such, or as substantive felons.*  
4. *Punishment of accessories after the fact.*  
5. *Prosecution of accessory after principal has been convicted, but not attainted.*  
6. *Several accessories may be included in the same indictment, although principal felon not included.*  
7. *Trial of accessories.*  
8. *Abettors in misdemeanours.*  
9. *As to offences committed within the jurisdiction of the Admiralty.*  
10. *Act not to extend to Scotland.*  
11. *Commencement of act.*

*As to Accessories before the Fact.*

Sect. 1. Whosoever shall become an accessory before the fact to any felony, whether the same be a felony at common law, or by virtue of any act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal felon.

2. Whosoever shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, shall be guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

*As to Accessories after the Fact.*

3. Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

4. Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law or by virtue of any act passed or to be passed, shall be liable, at the discretion of the court, to be imprisoned in the common gaol or house of correction for any term not exceeding two years, with or without hard labour, and it shall be lawful for the court, if it shall think

fit, to require the offender to enter into his own recognisances and to find sureties, both or either, for keeping the peace, in addition to such punishment; provided that no person shall be imprisoned under this clause, for not finding sureties, for any period exceeding one year.

*As to Accessories generally.*

5. If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die, or be pardoned, or otherwise delivered before attainted; and every such accessory shall upon conviction suffer the same punishment as he would have suffered if the principal had been attainted.

6. Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

7. Where any felony shall have been wholly committed within England or Ireland, the offence of any person who shall be an accessory either before or after the fact to any such felony may be dealt with, inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felony, or any felonies committed in any county or place in which the act by reason whereof such person shall have become such accessory shall have been committed; and in every other case the offence of any person who shall be an accessory either before or after the fact to any felony may be dealt with, inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felony, or any felonies committed in any county or place in which such person shall be apprehended or be in custody, whether the principal felony shall have been committed on the sea or on the land, or begun on the sea and completed on the land, or begun on the land and completed on the sea, and whether within her Majesty's dominions or without, or partly within her Majesty's dominions and partly without; provided that no person who shall be once duly tried either as an accessory before or after the fact, or for a substantive felony under the provisions hereinbefore contained, shall be liable to be afterwards prosecuted for the same offence.

*As to Abettors in Misdemeanours.*

8. Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanour, whether the same be a misdemeanour at common law or by virtue of any act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal offender.

*As to other Matters.*

9. Where any person shall, within the jurisdiction of the Admiralty of England or Ireland, become an accessory to any felony, whether the same be a felony at common law or by virtue of any act passed or to be passed, and whether such felony shall be committed within that jurisdiction or elsewhere, or shall be begun within that jurisdiction and completed elsewhere, or shall be begun elsewhere and completed within that jurisdiction, the offence of such person shall be felony; and in any indictment for any such offence the venue in the margin shall be the same as if the offence had been committed in the county or place in which such person shall be indicted, and his offence shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

10. Nothing in this act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

11. This act shall commence and take effect on the 1st day of November, 1861.

CAP. XCV.

An Act to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters.

[6th August, 1861.]

Sect. 1. *Repeal of acts and parts of acts mentioned in schedule.*

2. *Repeal not to affect the colonies in certain cases.*
3. *Repeal not to affect offences, &c. committed before the commencement of this act.*
4. *Repeal not to affect any authority to amend registers of births, &c.*

Whereas by six several acts of the present session of Parliament, relating respectively to offences against the person, malicious injuries to property, larceny, forgery, coining, and accessories and abettors, divers acts and parts of acts have been consolidated and amended, and it is expedient to repeal the enactments so consolidated and amended, and certain other enactments: be it therefore enacted &c. as follows:—

#### THE SCHEDULE.

- 10 Car. 1, sess. 3, c. 20, (I.)—An act against such as shall levie any fine, suffer any recovery, acknowledge any statute, recognisance, baile, or judgment in the name of any other person or persons not being privie and consenting thereto.—*The whole repealed.*
- 7 Will. 3, c. 18, (I.)—An act for taking special bails in the country upon actions and suits depending in the courts of King's Bench, Common Pleas, and Exchequer at Dublin.—*Sect. 4 repealed.*
- 2 & 3 Ann. c. 4.—An act for the public registering of deeds, conveyances, and wills that shall be made of any honours, manors, lands, tenements, or hereditaments within the West Riding of the county of York after the 20th day of September, 1704.—*So much of sect. 19 repealed as relates to any forging or counterfeiting therein mentioned.*
- 6 Ann. c. 2, (I.)—An act for the public registering of all deeds, conveyances, and wills that shall be made of any honours, manors, lands, tenements, or hereditaments.—*So much of sect. 17 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 6 Ann. c. 35.—An act for the public registering of all deeds, conveyances, wills, and other incumbrances, that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the East Riding of the county of York, or the town and county of the town of Kingston-upon-Hull, after the 29th day of September, 1708, and for the rendering the register in the West Riding more complete.—*So much of sect. 26 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 7 Ann. c. 20.—An act for the public registering of deeds, conveyances, and wills, and other incumbrances, which shall be made of, or that may affect honours, manors, lands, tenements, or hereditaments within the county of Middlesex after the 29th day of September, 1709.—*So much of sect. 15 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 8 Ann. c. 10, (I.)—An act for amending an act intituled "An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honours, Manors, Lands, Tenements, or Hereditaments."—*So much of sect. 4 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 8 Geo. 1, c. 15, (I.)—An act for explaining and amending two several acts in relation to the public registering of deeds, conveyances, and wills.—*So much of sect. 4 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 11 Geo. 1, c. 9.—An act for continuing the several annuities of 88,751*l.* 7*s.* 10½*d.* and 100,000*l.* to the Bank of England until Midsummer, 1727, and from thence for reducing the same to 71,001*l.* 2*s.* 3½*d.* and 80,000*l.*, redeemable by Parliament, and for preventing the uttering of forged, counterfeited, or erased bank bills or notes.—*Sect. 6 repealed.*
- 12 Geo. 1, c. 32.—An act for better securing the monies and effects of the sutors of the Court of Chancery, and to prevent the counterfeiting of East India bonds, and indorsements thereon, as likewise indorsements on South Sea bonds.—*Sect. 9 repealed.*
- 3 Geo. 2, c. 4, (I.)—An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money, and for the more effectual transporting felons, vagabonds, and others.—*Sect. 1 repealed.*
- 8 Geo. 2, c. 6.—An act for the public registering of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the North Riding of the county of York, after the 30th day of September, 1738.—*So much of sect. 31 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 15 Geo. 2, c. 13.—An act for establishing an agreement with the Governor and Company of the Bank of England for advancing the sum of 1,800,000*l.* towards the supply for the service of the year 1742.—*Sect. 13 repealed.*
- 17 Geo. 2, c. 11, (I.)—An act for the amendment of the law in relation to forgery, and the salvage of ships and goods stranded.—*Sect. 1 repealed.*
- 13 & 14 Geo. 3, c. 14, (I.)—An act for the more effectual preventing the forging or altering the acceptance or indorsement of bills of exchange, or the numbers or principal sums of accountable receipts for notes, bills, or other securities for payment of money, or warrants or orders for payment of money or delivery of goods.—*The whole repealed.*
- 21 & 22 Geo. 3, c. 16, (I.)—An act for establishing a bank by the name of "The Governors and Company of the Bank of Ireland."—*Sects. 15 and 16 repealed.*
- 23 & 24 Geo. 3, c. 23, (I.)—An act for better securing the monies and effects of the sutors of the Court of Chancery and the Court of Exchequer, by depositing the same in the National Bank; and to prevent the forging and counterfeiting any draft, order, or other voucher for the payment or delivery of such money or effects, and for other purposes.—*Sect. 22 repealed.*
- 25 Geo. 3, c. 37, (I.)—An act to explain and amend an act passed in the thirteenth and fourteenth years of the reign of his present Majesty King George III, intituled "An Act for the more effectual preventing the forging or altering the Acceptance or Indorsement of Bills of Exchange, or the Numbers or principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants, or Orders for Payment of Money or Delivery of Goods."—*The whole repealed.*
- 27 Geo. 3, c. 15, (I.)—An act to prevent tumultuous risings and assemblies, and for the more effectual punishment of persons guilty of outrage, riot, and illegal combination, and of administering and taking unlawful oaths.—*Sect. 5 repealed.*
- 35 Geo. 3, c. 68.—An act for making part of certain principal sums or stock and annuities raised or created, or to be raised or created, by the Parliament of the kingdom of Ireland, on loans for the use of the Government of that kingdom, transferable, and the dividends on such stock and annuities payable at the Bank of England; and for the better security of the proprietors of such stocks and annuities, and of the Governor and Company of the Bank of England.—*Sect. 8, and all the subsequent sections, repealed.*
- 37 Geo. 3, c. 26, (I.)—An act to prevent the forging of notes and bills of the Governor and Company of the Bank of Ireland, and to prevent the obtaining of false credit, and the committing of frauds by the imitation of notes or bills of the said governor and company.—*The whole repealed.*
- 37 Geo. 3, c. 46.—An act for making certain annuities created by the Parliament of the kingdom of Ireland transferable, and the dividends thereon payable at the Bank of England; and for the better security of the proprietors of such annuities, and of the Governor and Company of the Bank of England.—*Sect. 3, and all the subsequent sections, repealed.*
- 37 Geo. 3, c. 54, (I.)—An act to enable the proprietors of debentures issued by Government to convert them into stock transferable at the Bank of Ireland.—*Sect. 11, and all the subsequent sections, repealed.*
- 37 Geo. 3, c. 120.—An act to prevent the counterfeiting any copper coin in this realm made or to be made current by proclamation, or any foreign gold or silver coin; and to prevent the bringing into this realm or uttering any counterfeit foreign gold or silver coin.—*The whole, both as to England and Scotland, repealed, except sect. 1.*
- 38 Geo. 3, c. 53, (I.)—An act for the more effectually pre-



- venting the forging of the notes and bills of the Governor and Company of the Bank of Ireland, and the circulation of forged notes and bills of the said governor and company.—*The whole repealed.*
- 39 Geo. 3, c. 68, (1.)—An act for the more effectually preventing the forging of bills of exchange and promissory notes, or any acceptance, assignment, or indorsement thereof, or any acquittance or receipt for money or goods; and also for preventing the forging of the promissory notes of the Governor and Company of the Bank of England, commonly called bank notes, and the bills of exchange of the said governor and company, called bank post bills.—*The whole repealed, except the last section.*
- 40 Geo. 3, c. 96, (1.)—An act to revive, amend, continue, or make perpetual certain temporary statutes.—*So much of sect. 5 as perpetuates the part of the 27 Geo. 3, c. 15, hereby repealed—repealed.*
- 41 Geo. 3, c. 57.—An act for the better prevention of the forgery of the notes and bills of exchange of persons carrying on the business of bankers.—*The whole repealed.*
- 43 Geo. 3, c. 130.—An act for preventing the forging and counterfeiting of foreign bills of exchange, and of foreign promissory notes and orders for the payment of money, and for preventing the counterfeiting of foreign copper money.—*Sects. 1 and 2, as to Ireland, and the rest of the act, as to the whole United Kingdom, repealed.*
- 48 Geo. 3, c. 1.—An act for regulating the issuing and paying off of Exchequer bills.—*Sect. 9 repealed.*
- 49 Geo. 3, c. 13, (1.)—An act for the more effectually preventing the forging of bank notes, bank bills of exchange, and bank post bills, and the negotiation of forged and counterfeited bank notes, bank bills of exchange, and bank post bills of the Governor and Company of the Bank of Ireland.—*The whole repealed.*
- 1 Geo. 4, c. 4.—An act for punishing criminally drivers of stage coaches and carriages for accidents occasioned by their wilful misconduct.—*The whole repealed.*
- 1 Geo. 4, c. 92.—An act for the prevention of forging and counterfeiting of bank notes.—*Sects. 1 and 2 repealed.*
- 3 Geo. 4, c. 116.—An act for the more convenient and effectual registering in Ireland deeds executed in Great Britain.—*So much of sect. 7 as relates to any forging or counterfeiting therein mentioned, repealed.*
- 4 Geo. 4, c. 54.—An act for allowing the benefit of clergy to persons convicted of certain felonies, under two acts of the ninth year of King George I and of the twenty-seventh year of King George II; for making better provision for the punishment of persons guilty of sending or delivering threatening letters; and of assaults with intent to commit robbery.—*The whole repealed.*
- 5 Geo. 4, c. 26 (1.)—An act to repeal so much of an act passed in the ninth year of the reign of King William III as relates to burials in suppressed monasteries, abbeys, or convents in Ireland; and to make further provision with respect to the burial in Ireland of persons dissenting from the Established Church.—*Sect. 5 repealed.*
- 7 Geo. 4, c. 64.—An act for improving the administration of criminal justice in England.—*Sects. 9, 10, and 11 repealed.*
- 7 & 8 Geo. 4, c. 18.—An act to prohibit the setting spring guns, man traps, and other engines calculated to destroy human life or inflict grievous bodily harm.—*The whole repealed.*
- 7 & 8 Geo. 4, c. 30.—An act for consolidating and amending the laws of England relative to larceny and other offences connected therewith.—*The whole, as to the whole United Kingdom, repealed.*
- 7 & 8 Geo. 4, c. 30.—An act for consolidating and amending the laws in England relative to malicious injuries to property.—*The whole repealed.*
- 9 Geo. 4, c. 31.—An act for consolidating and amending the statutes in England relative to offences against the person.—*The whole repealed.*
- 9 Geo. 4, c. 54, (1.)—An act for improving the administration of justice in criminal cases in Ireland.—*Sects. 23, 24, and 25 repealed.*
- 9 Geo. 4, c. 55, (1.)—An act for consolidating and amending the laws in Ireland relative to larceny and other offences connected therewith.—*The whole, as to the whole United Kingdom, repealed.*
- 9 Geo. 4, c. 56, (1.)—An act for consolidating and amending the laws in Ireland relative to malicious injuries to property.—*The whole repealed.*
- 10 Geo. 4, c. 34, (1.)—An act for consolidating and amending the statutes in Ireland relating to offences against the person.—*The whole repealed.*
- 11 Geo. 4 & 1 Will. 4, c. 66.—An act for reducing into one act all such forgeries as shall henceforth be punished with death, and for otherwise amending the laws relative to forgery.—*The whole repealed, except sect. 21.*
- 2 & 3 Will. 4, c. 4.—An act for more effectually preventing embezzlements by persons employed in the public service of his Majesty.—*The whole repealed.*
- 2 & 3 Will. 4, c. 34.—An act for consolidating and amending the laws against offences relating to the coin.—*The whole, as to the whole United Kingdom, repealed.*
- 2 & 3 Will. 4, c. 75.—An act for regulating schools of anatomy.—*Sect. 16 repealed.*
- 2 & 3 Will. 4, c. 123.—An act for abolishing the punishment of death in certain cases of forgery.—*The whole repealed.*
- 3 & 4 Will. 4, c. 44.—An act to repeal so much of two acts of the seventh and eighth years and the ninth year of King George IV as inflicts the punishment of death upon persons breaking, entering, and stealing in a dwelling-house; also for giving power to the judges to add to the punishment of transportation for life in certain cases of forgery, and in certain other cases.—*The whole repealed.*
- 4 & 5 Will. 4, c. 26.—An act to abolish the practice of hanging the bodies of criminals in chains.—*Sect. 2 repealed.*
- 5 & 6 Will. 4, c. 34, (1.)—An act to amend two clerical errors contained in an act passed in the ninth year of the reign of his late Majesty King George IV, intitled "An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith."—*The whole repealed.*
- 5 & 6 Will. 4, c. 81.—An act for abolishing capital punishments in cases of letter stealing and sacrilege.—*So much as relates to the punishment of any person who shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel shall break out of the same, and to principals in the second degree and accessories in such offences, repealed.*
- 6 & 7 Will. 4, c. 4.—An act to amend the act of the last session for abolishing capital punishments in cases of letter stealing and sacrilege.—*So much as alters and amends that part of the 5 & 6 Will. 4, c. 81, which is hereby repealed—repealed.*
- 6 & 7 Will. 4, c. 30.—An act to repeal so much of two acts of the ninth and tenth years of King George IV as directs the period of the execution and the prison discipline of persons convicted of the crime of murder.—*The whole repealed.*
- 6 & 7 Will. 4, c. 86.—An act for registering births, deaths, and marriages in England.—*Sect. 43 repealed.*
- 7 Will. 4 & 1 Vict. c. 77.—An act to assimilate the practice of the Central Criminal Court to other courts of criminal judicature within the kingdom of England and Wales, with respect to offenders liable to the punishment of death.—*So much of sect. 3 as empowers the court to direct sentence of death to be recorded in cases of murder, repealed.*
- 7 Will. 4 & 1 Vict. c. 84.—An act to abolish the punishment of death in cases of forgery.—*So much of sects. 1 and 3 as relates to the forging, altering, offering, uttering, disposing of, or putting off any will, testament, codicil, or testamentary writing, or any power of attorney, or other authority therein mentioned, and to principals in the second degree and accessories before the fact in such offences, and so much of sects. 2 and 3 as relates to the punishment of any offence created by or formerly punishable under any enactment in this schedule before mentioned and hereby repealed—repealed.*
- 7 Will. 4 & 1 Vict. c. 85.—An act to amend the laws relating to offences against the person.—*The whole repealed.*
- 7 Will. 4 & 1 Vict. c. 86.—An act to amend the laws relating to burglary and stealing in a dwelling house.—*The whole repealed.*

- 7 Will. 4 & 1 Vict. c. 87.—An act to amend the laws relating to robbery and stealing from the person.—*The whole repealed.*
- 7 Will. 4 & 1 Vict. c. 88.—An act to amend the laws relating to burning or destroying buildings and ships.—*The whole repealed.*
- 7 Will. 4 & 1 Vict. c. 90.—An act to amend the law relative to offences punishable by transportation for life.—*The whole repealed, except sect. 5.*
- 2 & 3 Vict. c. 58.—An act to make further provision for the administration of justice, and for improving the practice and proceedings in the courts of the stannaries of Cornwall, and for the prevention of frauds by workmen employed in the mines within the county of Cornwall.—*Sect. 10 repealed.*
- 3 & 4 Vict. c. 67.—An act for regulating railways.—*Sect. 15 repealed.*
- 4 & 5 Vict. c. 58.—An act for taking away the punishment of death in certain cases, and substituting other punishments in lieu thereof.—*Sects. 2 and 3, and so much of sect. 1 as relates to embezzlements by officers or servants of the Bank of England, repealed.*
- 5 & 6 Vict. c. 28, (1).—An act to assimilate the law in Ireland as to the punishment of death to the law in England; to abolish the punishment of death in certain cases in Ireland, and to substitute other punishments in lieu thereof.—*Sects. 4, 13, 14, and 15, and also so much of sect. 7 as alters the punishment contained in any enactment hereby repealed; and also so much of sect. 18 as relates to principals in the second degree and accessories before the fact to any offences mentioned in the said sects. 4, 13, 14, and 15, or in the said part of the said sect. 18 hereby repealed.—repealed.*
- 5 & 6 Vict. c. 30.—An act to amend the law relating to advances bonâ fide made to agents intrusted with goods.—*Sect. 6 repealed.*
- 5 & 6 Vict. c. 66.—An act for further regulating the preparation and issue of Exchequer bills.—*Sects. 9 and 10 repealed.*
- 5 & 6 Vict. c. 103, (1).—An act to regulate the Irish fisheries.—*Sects. 11 and 12 repealed.*
- 6th 7 Vict. c. 10.—An act for removing doubts as to the punishment which may be awarded under the provisions of an act of the fourth and fifth years of her present Majesty, "for taking away the punishment of death in certain cases," for certain offences therein specified.—*The whole repealed.*
- 7 & 8 Vict. c. 69.—An act to amend the law as to burning farm buildings.—*The whole repealed.*
- 7 & 8 Vict. c. 81, (1).—An act for marriages in Ireland, and for registering such marriages.—*Sect. 75 repealed.*
- 8 & 9 Vict. c. 44.—An act for the better protection of works of art and scientific and literary productions.—*The whole repealed.*
- 8 & 9 Vict. c. 47.—An act for the further prevention of the offence of dog stealing.—*The whole repealed.*
- 8 & 9 Vict. c. 108, (1).—An act for the further amendment of an act of the sixth year of her present Majesty, for regulating the Irish fisheries.—*Sect. 18 repealed.*
- 9 & 10 Vict. c. 25.—An act for preventing malicious injuries to persons and property by fire, or by explosive or destructive substances.—*The whole repealed.*
- 10 & 11 Vict. c. 68.—An act for extending the provisions of the law respecting threatening letters, and accusing parties with a view to extort money.—*The whole repealed.*
- 11 & 12 Vict. c. 46.—An act for the removal of defects in the administration of criminal justice.—*Sects. 1, 2, and 3 repealed.*
- 12 & 13 Vict. c. 11.—An act to amend the laws of England and Ireland relative to larceny, and other offences connected therewith.—*The whole repealed.*
- 12 & 13 Vict. c. 76.—An act to protect women from fraudulent practices for procuring their defilement.—*The whole repealed.*
- 13 & 14 Vict. c. 72, (1).—An act to amend the laws for the registration of assurances of lands in Ireland.—*Sect. 62 repealed.*
- 13 & 14 Vict. c. 88, (1).—An act to amend the law relating to engines used in the rivers and on the sea coasts of Ireland for the taking of fish.—*Sect. 42 repealed.*
- 14 & 15 Vict. c. 11.—An act for the better protection of persons under the care and control of others as apprentices or servants, and to enable the guardians and overseers of the poor to institute and conduct prosecutions in certain cases.—*Sects. 1, 2, 6, and 7 repealed.*
- 14 & 15 Vict. c. 19.—An act for the better prevention of offences.—*Sects. 1, 2, 3, 4, 6, 7, 8, and 9 repealed.*
- 14 & 15 Vict. c. 92, (1).—An act to consolidate and amend the acts relating to certain offences and other matters, as to which justices of the peace exercise summary jurisdiction in Ireland.—*Sects. 2, 3, 4, and 5 repealed.*
- 14 & 15 Vict. c. 100.—An act for further improving the administration of criminal justice.—*Sects. 4, 6, 8, 11, 13, 14, 16, 18, 17, and so much of sect. 5 as relates to forging or uttering any instrument, and so much of sect. 29 as relates to any indecent assault, or any assault occasioning actual bodily harm, or any attempt to have carnal knowledge of a girl under twelve years of age, repealed.*
- 16 & 17 Vict. c. 23.—An act for redeeming or commuting the annuity payable to the South Sea Company, and certain annuities of 84. per centum per annum, and for creating new annuities of 34. 10s. per centum per annum and 24. 10s. per centum per annum, and issuing Exchequer bonds.—*Sect. 41 repealed.*
- 16 & 17 Vict. c. 30.—An act for the better prevention and punishment of aggravated assaults upon women and children, and for preventing delay and expense in the administration of certain parts of the criminal law.—*Sect. 1 repealed.*
- 16 & 17 Vict. c. 99.—An act to substitute, in certain cases, other punishment in lieu of transportation.—*Sect. 12 repealed.*
- 16 & 17 Vict. c. 102.—An act to prevent the defacing of the current coin of the realm.—*The whole, as to the whole United Kingdom, repealed.*
- 16 & 17 Vict. c. 113.—An act to amend the procedure in the superior courts of common law in Ireland.—*So much of sect. 71 as relates to any action which shall be commenced against any person for anything done in pursuance of any of the acts of this session for consolidating and amending the statute law of England and Ireland relating to larceny, malicious injuries, and coins, repealed.*
- 16 & 17 Vict. c. 132.—An act to extend the provisions of an act of the present session for redeeming or commuting the annuity payable to the South Sea Company, and certain annuities of 34. per centum per annum, and to provide for payments to be made under the said act.—*Sect. 10 and 11 repealed.*
- 17 & 18 Vict. c. 33.—An act to place public statues within the metropolitan police district under the control of the Commissioners of Her Majesty's Works and Public Buildings.—*Sect. 6 repealed.*
- 20 & 21 Vict. c. 54.—An act to make better provision for the punishment of frauds committed by trustees, bankers, and other persons intrusted with property.—*The whole repealed.*
- 21 & 22 Vict. c. 3.—An act for enabling the East India Company to raise money in the United Kingdom for the service of the government of India.—*Sect. 10 repealed.*
- 21 & 22 Vict. c. 47.—An act to amend the law of false pretences.—*The whole repealed.*
- 21 & 22 Vict. c. 70.—An act to amend the law relating to cheques or drafts on bankers.—*Sect. 3 repealed.*
- 21 & 22 Vict. c. 106.—An act for the better government of India.—*Sect. 50 repealed.*
- 22 Vict. c. 11.—An act to enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the government of India.—*Sect. 10 repealed.*
- 23 & 24 Vict. c. 32.—An act to amend the law concerning the police in counties and boroughs in England and Wales.—*Sect. 25 repealed.*
- 23 & 24 Vict. c. 39.—An act to enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the government of India.—*Sect. 18 repealed.*
- 23 & 24 Vict. c. 8.—An act to amend the law relating to the unlawful administering of poison.—*The whole repealed.*

- 23 & 24 Vict. c. 20.—An act to amend an act relative to malicious injuries to property.—*The whole repealed.*  
23 & 24 Vict. c. 130.—An act to enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the government of India.  
—Sect. 13 repealed.

CAP. XCVI.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences.  
[8th August, 1861.]

- Sect. 1. Interpretation of terms: "document of title to goods;" "document of title to lands;" "trustee;" "valuable security;" "property;" "night."
2. All larcenies to be of the same nature.
  3. Bailies fraudulently converting property guilty of larceny.
  4. Punishment for simple larceny.
  5. Three larcenies within six months may be charged in one indictment.
  6. Where a single taking is charged, and several takings at different times are proved.
  7. Larceny, after a conviction for felony.
  8. Larceny, after conviction of an indictable misdemeanour under this act.
  9. Larceny, after two summary convictions.
  10. Stealing horses, cows, sheep, &c.
  11. Killing animals with intent to steal the carcass, &c.
  12. Stealing deer in an uninclosed part of a forest. Second offence.
  13. Stealing deer in any inclosed ground.
  14. Suspected persons found in possession of venison, &c., and not satisfactorily accounting for it. Penalty. In case they cannot be convicted, how the justice may proceed.
  15. Setting engines for taking deer, or pulling down park fences.
  16. Deer keepers, &c. may seize the guns, &c. of offenders who, on demand, do not deliver up the same. Penalty on resistance to keepers, &c. in the execution of their duty.
  17. Killing, &c. hares or rabbits in a warren in the night time. The like in the day time. Exception.
  18. Stealing dogs. Second offence.
  19. Possession of stolen dogs. Second offence.
  20. Taking money to restore dogs.
  21. Stealing beasts or birds ordinarily kept in confinement, and not the subjects of larceny. Second offence.
  22. Persons found in possession of stolen beasts, &c. liable to penalties.
  23. Killing pigeons.
  24. Taking fish in any water situate in land belonging to a dwelling-house; in a private fishery elsewhere. Provision respecting anglers. Provision as to boundaries of parishes.
  25. The tackle of fishers may be seized. Angler, on seizure of his tackle, exempt from penalty.
  26. Stealing or dredging for oysters in oyster fisheries. Form of indictment. Proviso as to floating fish.
  27. Bonds, bills, notes, &c.
  28. Deeds, &c. relating to real property. Form of indictment.
  29. Wills or codicils. Other remedies not to be affected.
  30. Stealing records or other legal documents. Form of indictment.
  31. Metal, glass, wood, &c. fixed to house or land.
  32. Trees in pleasure-grounds of the value of 1l., or elsewhere of the value of 5l.
  33. Stealing trees, shrubs, &c., wheresoever growing, and of any value above 1s., punishable on summary conviction for first and second offence; third offence, felony. Second offence. Third offence.
  34. Stealing, &c. any live or dead fence, wooden fence, stile, or gate. Second offence.
  35. Suspected persons in possession of wood, &c. not satisfactorily accounting for it.
  36. Stealing, &c. any fruit or vegetable production in a garden, &c. punishable on summary conviction for first offence; second offence, felony.

37. Stealing, &c. vegetable productions not growing in gardens, &c. Second offence.
38. Ore of metal, coal, &c.
39. Miners removing ore with intent to defraud.
40. Robbery or stealing from the person.
41. On trial for robbery, jury may convict of an assault with intent to rob.
42. Assault with intent to rob.
43. Robbery or assault by a person armed, or by two or more, or robbery and wounding.
44. Letter, demanding money, &c. with menaces.
45. Demanding money, &c. with menaces, or by force, with intent to steal.
46. Letter threatening to accuse of crime, with intent to extort. "Infamous crime" defined.
47. Accusing or threatening to accuse, with intent to extort.
48. Inducing a person by violence or threats to execute deeds, &c., with intent to defraud.
49. It shall be immaterial from whom the menaces proceed.
50. Breaking and entering a church or chapel and committing any felony.
51. Burglary by breaking out.
52. Burglary.
53. What building within the curtilage shall be deemed part of the dwelling-house.
54. Entering a dwelling-house in the night with intent to commit any felony.
55. Breaking into any building within the curtilage which is no part of the dwelling-house, and committing any felony.
56. Breaking into any house, shop, warehouse, &c., and committing any felony.
57. Housebreaking, &c. with intent to commit any felony.
58. Being armed with intent to break and enter any house in the night.
59. The like, after a previous conviction for felony, &c.
60. Stealing in a dwelling-house to the value of 5l.
61. Stealing in a dwelling-house with menaces.
62. Stealing goods in process of manufacture.
63. Stealing from ships, docks, wharfs, &c.
64. Stealing from ship in distress or wrecked.
65. Persons in possession of shipwrecked goods not giving a satisfactory account.
66. If any person offers shipwrecked goods for sale, the goods may be seized, &c.
67. Larceny by clerks or servants.
68. Embezzlement by clerks or servants.
69. Larceny by persons in the Queen's service, or by the police.
70. Embezzlement by persons in the Queen's service, or by the police. Venue. Form of warrant of commitment and indictment.
71. Distinct acts of embezzlement may be charged in the same indictment.
72. Person indicted for embezzlement, as a clerk, &c., to be acquitted if the offence turn out to be larceny, and vice versa.
73. Embezzlement by officers of the Bank of England or Ireland.
74. Tenant or lodger stealing chattel or fixture let to hire with house or lodgings.
75. Agent, banker, &c. embezzling money or selling securities, &c. intrusted to him; or goods, &c. intrusted to him for safe custody. Punishment. Not to affect trustees or mortgagees; nor bankers, &c. receiving money due on securities, or disposing of securities on which they have a lien.
76. Bankers, &c. fraudulently selling, &c. property intrusted to their care.
77. Persons under powers of attorney fraudulently selling property.
78. Factors obtaining advances on the property of their principals. Clerks wilfully assisting. Cases excepted where the pledge does not exceed the amount of their lien.
79. Definitions of terms: "intrusted;" "pledge;" "possessed;" "advance;" "contract or agreement." Possession to be evidence of intrusting.

80. Trustees, fraudulently disposing of property, guilty of a misdemeanour. No prosecution shall be commenced without the sanction of some judge, or the Attorney-General.
81. Directors, &c. of any body corporate or public company fraudulently appropriating property;
82. Or keeping fraudulent accounts;
83. Or wilfully destroying books, &c.;
84. Or publishing fraudulent statements.
85. No person to be exempt from answering questions in any court, but no person making a disclosure in any compulsory proceeding to be liable to prosecution.
86. No remedy at law or in equity shall be affected; convictions shall not be received in evidence in civil suits.
87. Certain misdemeanours not triable at sessions.
88. False pretences. No acquittal, because the offence amounts to larceny. Form of indictment and evidence.
89. Where any money or thing is caused to be paid or delivered to any person other than the person making a false pretence.
90. Inducing persons by fraud to execute deeds and other instruments.
91. Receiving, where the principal is guilty of felony.
92. Indictment for stealing and receiving.
93. Separate receivers may be included in the same indictment in the absence of the principal.
94. On an indictment for jointly receiving, persons may be convicted of separately receiving.
95. Receiving, where the principal has been guilty of a misdemeanour.
96. Receiver where triable.
97. Receivers of property, where the original offence is punishable on summary conviction.
98. Principals in the second degree and accessories; abettors in misdemeanours.
99. Abettors in offences punishable on summary conviction.
100. The owner of stolen property prosecuting thief or receiver to conviction, shall have restitution of his property. Provision as to valuable and negotiable securities; not to apply to prosecutions of trustees, bankers, &c.
101. Taking a reward for helping to the recovery of stolen property, without bringing the offender to trial.
102. Advertising a reward for the return of stolen property, &c.
103. A person in the act of committing any offence may be apprehended without a warrant; a justice, upon good grounds of suspicion proved on oath, may grant a search warrant; any person to whom stolen property is offered may seize the party offering it.
104. A person loitering at night, and suspected of any felony against this act, may be apprehended.
105. Mode of compelling the appearance of persons punishable on summary conviction.
106. Application of forfeitures and penalties on summary convictions. Provision where several persons join in commission of same offence.
107. If a person, summarily convicted, shall not pay, &c., the justice may commit him; scale of imprisonment.
108. Justice may discharge the offender in certain cases.
109. A summary conviction shall be a bar to any other proceeding for the same cause.
110. Appeal.
111. No certiorari, &c.
112. Convictions to be returned to the quarter sessions.
113. Venue, in proceedings against persons acting under this act; notice of action; general issue, &c.
114. Stealers of property in one part of the United Kingdom who have the same in any other part of the United Kingdom may be tried and punished in that part of the United Kingdom where they have the property.
115. Offences committed within the jurisdiction of the Admiralty.

116. Form of indictment for a subsequent offence. When the previous conviction is to be proved on the trial.
117. Fine, and sureties for keeping the peace; in what cases.
118. Hard labour.
119. Solitary confinement and whipping.
120. Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93, except in London and the metropolitan police district.
121. The costs of the prosecution of misdemeanours against this act may be allowed.
122. Act not to extend to Scotland.
123. Commencement of act.

Whereas it is expedient to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences: be it enacted &c. as follows:—

Sect. 1. In the interpretation of this act,

The term "document of title to goods" shall include any bill of lading, India warrant, dock warrant, warehouse keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to:

The term "document of title to lands" shall include any deed, map, paper, or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any real estate, or to any interest in or out of any real estate:

The term "trustee" shall mean a trustee on some express trust created by some deed, will, or instrument in writing, and shall include the heir, or personal representative of any such trustee, and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator, or other like officer acting under any present or future act relating to joint stock companies, bankruptcy, or insolvency:

The term "valuable security" shall include any order, exchequer acquittance, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom, or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body corporate, company, or society, whether within the United Kingdom or in any foreign state or country, or to any deposit in any bank, and shall also include any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of the United Kingdom, or of Great Britain, or of Ireland, or of any foreign state, and any document of title to lands or goods as hereinbefore defined:

The term "property" shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and shall also include, not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and any thing acquired by such conversion or exchange, whether immediately or otherwise:

For the purposes of this act, the night shall be deemed to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

2. Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as every larceny was before the 21st day of June, 1827; and every court whose power as to the trial of larceny was before that time limited to petty larceny, shall have power to try every case of larceny, the punishment of which could exceed

the punishment hereinafter mentioned for simple larceny, and also to try all accessories to such larceny.

3. Whosoever, being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction.

4. Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

5. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them.

6. If upon the trial of any indictment for larceny it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

7. Whosoever shall commit the offence of simple larceny after a previous conviction for felony, whether such conviction shall have taken place upon an indictment, or under the provisions of the act passed in the session held in the 18 & 19 Vict. c. 126, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

8. Whosoever shall commit the offence of simple larceny or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanour punishable under this act, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

9. Whosoever shall commit the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been twice summarily convicted of any of the offences punishable upon summary conviction, under the provisions contained in the act of the session held in the 7 & 8 Geo. 4, c. 20, or the act of the same session, chap. 30, or the act of the 9 Geo. 4, c. 55, or the act of the same year, chap. 56, or the act of the session held in the 10 & 11 Vict. c. 82, or the act of the session held in the 11 & 12 Vict. c. 59, or in sects. 3, 4, 5, and 6 of the act of the session held in the 14 & 15 Vict. c. 92, or in this act, or the act of this session, intitled "An Act to consolidate and amend the Statute Law of England and Ireland relating to malicious Injuries to Property" (whether each of the convictions shall have been in respect of an offence of the same description or not, and whether such convictions or either of them shall have been or shall be before or after the passing of this act), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*As to Larceny of Cattle or other Animals.*

10. Whosoever shall steal any horse, mare, gelding, colt, or filly, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. Whosoever shall wilfully kill any animal, with intent to steal the carcase, skin, or any part of the animal so killed, shall be guilty of felony, and being convicted thereof shall be liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony.

12. Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the uninclosed part of any forest, chase, or purlieu, shall for every such offence, on conviction thereof before a justice of the peace, forfeit and pay such sum, not exceeding 50*l.*, as to the justice shall seem meet; and whosoever having been previously convicted of any offence relating to deer, for which a pecuniary penalty shall have been imposed by this or by any former act of Parliament, shall afterwards commit any of the offences hereinbefore enumerated, whether such second offence be of the same description as the first or not, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

13. Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound any deer kept or being in the inclosed part of any forest, chase, or purlieu, or in any inclosed land where deer shall be usually kept, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

14. If any deer, or the head, skin, or other part thereof, or any snare or engine for the taking of deer, shall be found in the possession of any person or on the premises of any person with his knowledge, and such person being taken, or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by such deer, or the head, skin, or other part thereof, or had a lawful occasion for such snare or engine, and did not keep the same for any unlawful purpose, he shall on conviction by the justice, forfeit and pay any sum not exceeding 20*l.*; and if any such person shall not under the said provisions be liable to conviction, then, for the discovery of the party who actually killed or stole such deer, the justice, at his discretion, as the evidence given and the circumstances of the case shall require, may summon before him every person through whose hands such deer, or the head, skin, or other part thereof, shall appear to have passed; and if the person from whom the same shall have been first received, or who shall have had possession thereof, shall not satisfy the justice that he came lawfully by the same, he shall, on conviction by the justice, be liable to the payment of such sum of money as is hereinbefore last mentioned.

15. Whosoever shall unlawfully and wilfully set or use any snare or engine whatsoever, for the purpose of taking or killing deer, in any part of any forest, chase, or purlieu, whether such part be inclosed or not, or in any fence or bank dividing the same from any land adjoining, or in any inclosed land where deer shall be usually kept, or shall unlawfully and wilfully destroy any part of the fence of any land where any deer shall be then kept, shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding 20*l.*, as to the justice shall seem meet.

16. If any person shall enter into any forest, chase, or purlieu, whether inclosed or not, or into any inclosed land where deer shall be usually kept, with intent unlawfully to hunt, course, wound, kill, snare, or carry away any deer, every person intrusted with the care of such deer, and any of

his assistants, whether in his presence or not, may demand from every such offender any gun, firearm, snare, or engine in his possession, and any dog there brought for hunting, coursing, or killing deer, and in case such offender shall not immediately deliver up the same, may seize and take the same from him in any of those respective places, or, upon pursuit made, in any other place to which he may have escaped therefrom, for the use of the owner of the deer; and if any such offender shall unlawfully beat or wound any person intrusted with the care of the deer, or any of his assistants, in the execution of any of the powers given by this act, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

17. Whosoever shall unlawfully and wilfully, between the expiration of the first hour after sunset and the beginning of the last hour before sunrise, take or kill any hare or rabbit in any warren or ground lawfully used for the breeding or keeping of hares or rabbits, whether the same be inclosed or not, shall be guilty of a misdemeanour; and whosoever shall unlawfully and wilfully, between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, take or kill any hare or rabbit in any such warren or ground, or shall at any time set or use therein any snare or engine for the taking of hares or rabbits, shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding 5*l.*, as to the justices shall seem meet; provided that nothing in this section contained shall affect any person taking or killing in the daytime any rabbits on any sea bank or river bank in the county of Lincoln, so far as the tide shall extend, or within one furlong of such bank.

18. Whosoever shall steal any dog shall, on conviction thereof before two justices of the peace, either be committed to the common gaol or house of correction, there to be imprisoned, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or shall forfeit and pay, over and above the value of the said dog, such sum of money, not exceeding 20*l.*, as to the said justices shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards steal any dog, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

19. Whosoever shall unlawfully have in his possession or on his premises any stolen dog, or the skin of any stolen dog, knowing such dog to have been stolen or such skin to be the skin of a stolen dog, shall, on conviction thereof before two justices of the peace, be liable to pay such sum of money, not exceeding 20*l.*, as to such justices shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards be guilty of any such offence as in this section before mentioned, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

20. Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding eighteen months, with or without hard labour.

21. Whosoever shall steal any bird, beast, or other animal ordinarily kept in a state of confinement or for any domestic purpose, not being the subject of larceny at common law, or shall wilfully kill any such bird, beast, or animal, with intent to steal the same or any part thereof, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the bird, beast, or other animal, such sum of money,

not exceeding 20*l.*, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any offence in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit.

22. If any such bird, or any of the plumage thereof, or any dog, or any such beast, or the skin thereof, or any such animal, or any part thereof, shall be found in the possession or on the premises of any person, any justice may restore the same respectively to the owner thereof; and any person in whose possession or on whose premises such bird or the plumage thereof, or such beast or the skin thereof, or such animal or any part thereof, shall be so found (such person knowing that the bird, beast, or animal has been stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is a part of a stolen animal), shall, on conviction before a justice of the peace, be liable for the first offence to such forfeiture, and for every subsequent offence to such punishment, as any person convicted of stealing any beast or bird is made liable to by the last preceding section.

23. Whosoever shall unlawfully and wilfully kill, wound, or take any house dove or pigeon under such circumstances as shall not amount to larceny at common law, shall, on conviction before a justice of the peace, forfeit and pay, over and above the value of the bird, any sum not exceeding 2*l.*

24. Whosoever shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water, or having a right of fishery therein, shall be guilty of a misdemeanour; and whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any water not being such as hereinbefore mentioned, but which shall be private property, or in which there shall be any private right of fishery, shall, on conviction thereof before a justice of the peace, forfeit and pay, over and above the value of the fish taken or destroyed (if any), such sum of money, not exceeding 5*l.*, as to the justice shall seem meet: provided, that nothing hereinbefore contained shall extend to any person angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset; but whosoever shall by angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset unlawfully and wilfully take or destroy, or attempt to take or destroy, any fish in any such water as first mentioned, shall, on conviction before a justice of the peace, forfeit and pay any sum not exceeding 5*l.*, and if in any such water as last mentioned, he shall, on the like conviction, forfeit and pay any sum, not exceeding 2*l.*, as to the justice shall seem meet; and if the boundary of any parish, township or vill shall happen to be in or by the side of any such water as is in this section before mentioned, it shall be sufficient to prove that the offence was committed either in the parish, township, or vill named in the indictment or information, or in any parish, township, or vill adjoining thereto.

25. If any person shall at any time be found fishing against the provisions of this act, the owner of the ground, water, or fishery where such offender shall be so found, his servant, or any person authorised by him, may demand from such offender any rod, line, hook, net, or other implement for taking or destroying fish which shall then be in his possession; and in case such offender shall not immediately deliver up the same, may seize and take the same from him for the use of such owner: provided, that any person angling against the provisions of this act, between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, from whom any implement used by anglers shall be taken, or by whom the same shall be so delivered up, shall by the taking or delivering thereof be exempted from the payment of any damages or penalty for such angling.

26. Whosoever shall steal any oysters or oyster brood from any oyster bed, laying, or fishery, being the property of any other person, and sufficiently marked out or known as such, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and whosoever shall unlawfully and wilfully use any dredge, or any net, instrument, or engine whatsoever, within the limits



of any oyster bed, laying, or fishery, being the property of any other person, and sufficiently marked out or known as such, for the purpose of taking oysters or oyster brood, although none shall be actually taken, or shall unlawfully and wilfully, with any net, instrument, or engine, drag upon the ground or soil of any such fishery, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding three months, with or without hard labour, and with or without solitary confinement; and it shall be sufficient in any indictment to describe either by name or otherwise the bed, laying, or fishery in which any of the said offences shall have been committed, without stating the same to be in any particular parish, township, or vill: provided, that nothing in this section contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument, or engine adapted for taking floating fish only.

*As to Larceny of written Instruments.*

27. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, or obliterate the whole or any part of any valuable security, other than a document of title to lands, shall be guilty of felony, of the same nature and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen, or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned, or referred to in or by the security.

28. Whosoever shall steal, or shall for any fraudulent purpose destroy, cancel, obliterate, or conceal the whole or any part of any document of title to lands shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence relating to any document of title to lands, it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.

29. Whosoever shall, either during the life of the testator or after his death, steal, or for any fraudulent purpose destroy, cancel, obliterate, or conceal, the whole or any part of any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that such will, codicil, or other instrument is the property of any person: provided, that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

30. Whosoever shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously cancel, obliterate, injure, or

destroy the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever of or belonging to any court of record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever of or belonging to any court of equity, or relating to any cause or matter begun, depending, or terminated in any such court, or of any original document in anywise relating to the business of any office or employment under her Majesty, and being or remaining in any office appertaining to any court of justice, or in any of her Majesty's castles, palaces, or houses, or in any government or public office, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

*As to Larceny of Things attached to or growing on Land.*

31. Whosoever shall steal, or shall rip, cut, sever, or break with intent to steal, any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material or of both, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and in the case of any such thing fixed in any such square, street, or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

32. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of 12.) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of 51.) be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny.

33. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, whosoever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of 1s. at the least, shall, on conviction thereof before a justice of the peace, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money not exceeding 51. as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this act), shall afterwards commit any of the offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.



34. Whosoever shall steal, or shall cut, break, or throw down with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire, or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, shall, on conviction thereof before a justice of the peace, forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding 5*l*. as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding twelve months as the convicting justice shall think fit.

35. If the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile, or gate, or any part thereof, being of the value of 1*s*. at the least, shall be found in the possession of any person, or on the premises of any person, with his knowledge, and such person, being taken or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, he shall on conviction by the justice forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding 2*l*.

36. Whosoever shall steal, or shall destroy or damage with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hothouse, greenhouse, or conservatory, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding 20*l*. as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any of the offences in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

37. Whosoever shall steal, or shall destroy or damage with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, pleasure ground, or nursery ground, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding 20*s*. as to the justice shall seem meet, and in default of payment thereof, together with the costs (if ordered), shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding six months as the convicting justice shall think fit.

#### *As to Larceny from Mines.*

38. Whosoever shall steal, or sever with intent to steal, the ore of any metal, or any lapis calaminaris, manganese, or mundick, or any wed, black cawke, or black lead, or any coal or cannel coal, from any mine, bed, or vein thereof respectively, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

39. Whosoever, being employed in or about any mine,

shall take, remove, or conceal any ore of any metal, or any lapis calaminaris, manganese, mundick, or other mineral found or being in such mine, with intent to defraud any proprietor of or any adventurer in such mine, or any workman or miner employed therein, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### *As to Larceny from the Person, and other like Offences.*

40. Whosoever shall rob any person, or shall steal any chattel, money, or valuable security from the person of another, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

41. If, upon the trial of any person upon any indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob; and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and as person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

42. Whosoever shall assault any person, with intent to rob, shall be guilty of felony, and being convicted thereof, shall (save and except in the cases where a greater punishment is provided by this act) be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

43. Whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more other person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of or immediately before or immediately after such robbery, shall wound, beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

44. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing, demanding of any person, with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

45. Whosoever shall, with menaces or by force, demand any property, chattel, money, valuable security, or other valuable thing of any person, with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

46. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing accusing, or threatening to accuse, any other person of any crime punishable by law with death or penal servitude for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent, in any of such

cases; to extort or gain by means of such letter or writing any property, chattel, money, valuable security, or other valuable thing from any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping; and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this act.

47. Whosoever shall accuse or threaten to accuse, either the person to whom such accusation or threat shall be made or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent, in any of the cases last aforesaid, to extort or gain from such person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

48. Whosoever, with intent to defraud or injure any other person, shall, by any unlawful violence to or restraint of, or threat of violence to or restraint of, the person of another, or by accusing or threatening to accuse any person of any treason, felony, or infamous crime as hereinbefore defined, compel or induce any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name or the name of any other person, or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon or to any paper or parchment, in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

49. It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury, or accusation to be caused or made by the offender, or by any other person.

#### *As to Sacrilege, Burglary, and Housebreaking.*

50. Whosoever shall break and enter any church, chapel, meeting house, or other place of divine worship, and commit any felony therein, or being in any church, chapel, meeting-house, or other place of divine worship shall commit any felony therein and break out of the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

51. Whosoever shall enter the dwelling-house of another with intent to commit any felony therein, or, being in such dwelling-house, shall commit any felony therein, and shall in either case break out of the said dwelling-house in the night, shall be deemed guilty of burglary.

52. Whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

53. No building, although within the same curtilage with any dwelling house, and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this act, unless there shall be a communication between such building and dwelling-house, either immediate, or by means of a covered and inclosed passage leading from the one to the other.

54. Whosoever shall enter any dwelling-house in the night with intent to commit any felony therein shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

55. Whosoever shall break and enter any building, and commit any felony therein, such building being within the curtilage of a dwelling-house, and occupied therewith, but not being part thereof, according to the provision hereinbefore mentioned, or being in any such building shall commit any felony therein, and break out of the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

56. Whosoever shall break and enter any dwelling-house, school-house, shop, warehouse, or counting-house, and commit any felony therein, or, being in any dwelling-house, school-house, shop, warehouse, or counting-house, shall commit any felony therein, and break out of the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

57. Whosoever shall break and enter any dwelling-house, church, chapel, meeting-house, or other place of Divine worship, or any building within the curtilage, school-house, shop, warehouse, or counting-house, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

58. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house of other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock key, crow, jack, bit, or other implement of housebreaking, or shall be found by night having his face blackened or otherwise disguised with intent to commit any felony, or shall be found by night in any dwelling-house or other building whatsoever with intent to commit any felony therein, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

59. Whosoever shall be convicted of any such misdemeanour as in the last preceding section mentioned, committed after a previous conviction, either for felony or such misdemeanour, shall, on such subsequent conviction, be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

#### *As to Larceny in the House.*

60. Whosoever shall steal in any dwelling-house any chattel, money, or valuable security, to the value to the whole of 5l. or more, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

61. Whosoever shall steal any chattel, money, or valuable security in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three

years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to Larceny in Manufactories.*

62. Whosoever shall steal, to the value of 10s., any woollen, linen, hempen, or cotton yarn, or any goods or articles of silk, woollen, linen, cotton, alpaca, or mohair, or of any one or more of those materials mixed with each other, or mixed with any other material, whilst laid, placed, or exposed, during any stage, process, or progress of manufacture, in any building, field, or other place, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to Larceny in Ships, Wharfs, &c.*

63. Whosoever shall steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever in any haven, or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river, or canal, or shall steal any goods or merchandise from any dock, wharf, or quay adjacent to any such haven, port, river, canal, creek, or basin, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

64. Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and the offender may be indicted and tried either in the county or place in which the offence shall have been committed or in any county or place next adjoining.

65. If any goods, merchandise, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, shall be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall, on conviction of such offence before the justice, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding 20l. as to the justice shall seem meet.

66. If any person shall offer or expose for sale any goods, merchandise, or articles whatsoever, which shall have been unlawfully taken, or shall be reasonably suspected so to have been taken, from any ship or vessel in distress, or wrecked, stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any officer of the customs or excise, or peace officer, may lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the person who shall have offered or exposed the same for sale, being summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandise, or articles, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender shall, on conviction of such offence by the justice, at the discretion of the justice, either be committed to the common gaol or house of correc-

tion, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding 20l. as to the justice shall seem meet.

*As to Larceny or Embezzlement by Clerks, Servants, or Persons in the Public Service.*

67. Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master or employer, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

68. Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security, which shall be delivered to or received, or taken into possession by him for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

69. Whosoever being employed in the public service of her Majesty, or being a constable or other person employed in the police of any county, city, borough, district, or place whatsoever, shall steal any chattel, money, or valuable security belonging to or in the possession or power of her Majesty, or intrusted to or received or taken into possession by him by virtue of his employment, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

70. Whosoever, being employed in the public service of her Majesty, or being a constable or other person employed in the police of any county, city, borough, district, or place whatsoever, and intrusted by virtue of such employment with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be intrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, shall be deemed to have feloniously stolen the same from her Majesty, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and every offender against this or the last preceding section may be dealt with, indicted, tried, and punished either in the county or place in which he shall be apprehended or be in custody, or in which he shall have committed the offence; and in every case of larceny, embezzlement, or fraudulent application or disposition of any chattel, money, or valuable security in this and the last preceding section mentioned, it shall be lawful in the warrant of commitment by the justice of the peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security in her Majesty.

71. For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application or

disposition, heretofore mentioned, it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three, which may have been committed by him against her Majesty or against the same master or employer, within the space of six months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money or any valuable security it shall be sufficient to allege the embezzlement, or fraudulent application or disposition, to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to some other person, and such part shall have been returned accordingly.

72. If upon the trial of any person indicted for embezzlement, or fraudulent application or disposition as aforesaid, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service, or in the police, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, or fraudulent application or disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, or fraudulent application or disposition, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application or disposition; and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid, shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts.

73. Whosoever, being an officer or servant of the governor and company of the Bank of England or of the Bank of Ireland, and being intrusted with any bond, deed, note, bill, dividend warrant, or warrant for payment of any annuity or interest, or money, or with any security, money, or other effects of or belonging to the said governor and company, or having any bond, deed, note, bill, dividend warrant, or warrant for payment of any annuity or interest, or money, or any security, money, or other effects of any other person, body politic or corporate, lodged or deposited with the said governor and company, or with him as an officer or servant of the said governor and company, shall secrete, embezzle, or run away with any such bond, deed, note, bill, dividend or other warrant, security, money, or other effects as aforesaid, or any part thereof, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to Larceny by Tenants or Lodgers.*

74. Whosoever shall steal any chattel or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her or by her husband, or by any person on behalf of him or her or her husband, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be im-

prisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping, and in case the value of such chattel or fixture shall exceed the sum of five pounds, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years, with or without whipping; and in every case of stealing any chattel in this section mentioned it shall be lawful to prefer an indictment in the common form as for larceny, and in every case of stealing any fixture in this section mentioned to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

*As to Frauds by Agents, Bankers, or Factors.*

75. Whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any money or security for the payment of money, with any direction in writing to apply, pay, or deliver such money or security or any part thereof respectively, or the proceeds or any part of the proceeds of such security, for any purpose, or to any person specified in such direction, shall, in violation of good faith, and contrary to the terms of such direction, in anywise convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such money, security, or proceeds, or any part thereof respectively; and whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom, or any part thereof, or of any foreign state, or in any stock or fund of any body corporate, company, or society, for safe custody or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

76. Whosoever, being a banker, merchant, broker, attorney, or agent, and being intrusted, either solely, or jointly with any other person, with the property of any other person for safe custody, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate the same, or any part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as heretofore last mentioned.

77. Whoever, being intrusted, either solely, or jointly with any other person, with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer or otherwise convert the same, or any part thereof, to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

78. Whoever, being a factor or agent intrusted, either solely, or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods, shall, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, make any assignment, deposit, transfer, or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien, or security for any money or valuable security borrowed or received by such factor or agent at or before the time of making such assignment, deposit, transfer, or delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accept any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or document of title, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned; and every clerk or other person who shall knowingly and wilfully act and assist in making any such assignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the same punishments: provided, that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such assignment, deposit, transfer, or delivery was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent.

79. Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf; and where any loan or advance shall be bona fide made to any factor or agent intrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or documents of title, and such goods or document of title shall actually be received by the person making such loan or advance, without notice that such factor or agent was not authorised to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title within the meaning of the last preceding section, though such goods or document of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct with such factor or agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; and any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a factor or agent in possession as

aforesaid of such goods or document shall be taken, for the purposes of the last preceding section, to have been entrusted therewith by the owner thereof, unless the contrary be shown in evidence.

80. Whoever, being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property or any part thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned: provided, that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of her Majesty's Attorney-General, or in case that office be vacant, of her Majesty's Solicitor-General: provided also, that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this section without the sanction of the court or judge before whom such civil proceeding shall have been had or shall be pending.

81. Whoever, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

82. Whoever, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the property of such body corporate or public company otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

83. Whoever, being a director, manager, public officer, or member of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular, in any book of account or other document, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award, as hereinbefore last mentioned.

84. Whoever, being a director, manager, or public officer, of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating, or publishing, any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award, as hereinbefore last mentioned.

85. Nothing in any of the last ten preceding sections of this act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanours in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first dis-

closed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court, upon the hearing of any matter in bankruptcy or insolvency.

86. Nothing in any of the last eleven preceding sections of this act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any offence against any of the said sections might have had if this act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

87. No misdemeanour against any of the last twelve preceding sections of this act shall be prosecuted or tried at any court of general or quarter sessions of the peace.

*As to obtaining Money, &c. by false Pretences.*

88. Whosoever shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to defraud, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: provided, that if upon the trial of any person indicted for such misdemeanour it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanour; and no person tried for such misdemeanour shall be liable to be afterwards prosecuted for larceny upon the same facts: provided also, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money, or valuable security; and on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

89. Whosoever shall by any false pretence cause or procure any money to be paid, or any chattel, or valuable security, to be delivered to any other person for the use or benefit or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel, or valuable security within the meaning of the last preceding section.

90. Whosoever, with intent to defraud or injure any other person, shall by any false pretence fraudulently cause or induce any other person to execute, make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress, or affix his name, or the name of any other person, or of any company, firm, or co-partnership, or the seal of any body corporate, company, or society, upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of a misdemeanour, and, being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to receiving Stolen Goods.*

91. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a felony either at common law or by virtue of this act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact or for a sub-

stantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: provided, that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

92. In any indictment containing a charge of feloniously stealing any property it shall be lawful to add a count, or several counts for feloniously receiving the same or any part or parts thereof, knowing the same to have been stolen, and in any indictment for feloniously receiving any property knowing it to have been stolen it shall be lawful to add a count for feloniously stealing the same; and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property, or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such indictment shall have been preferred and found against two or more persons it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same or any part or parts thereof knowing the same to have been stolen.

93. Whenever any property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a manner as to amount to a felony, either at common law or by virtue of this act, any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

94. If upon the trial of any two or more persons indicted for jointly receiving any property it shall be proved that one or more of such persons separately received any part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as shall be proved to have received any part or parts of such property.

95. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, converting, or disposing whereof is made a misdemeanour by this act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of a misdemeanour, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanour shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

96. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted, or disposed of, may, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanour only, be dealt with, indicted, tried, and punished in any county or place in which he shall have or shall have had any such property in his possession, or in any county or place in which the party guilty of the principal felony or misdemeanour may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried, and punished in the county or place where he actually received such property.

97. Where the stealing or taking of any property whatsoever is by this act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any



such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a justice of the peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this act made liable.

98. In case of every felony punishable under this act every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this act punishable; and every accessory after the fact to any felony punishable under this act (except only a receiver of stolen property) shall, on conviction, be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this act, shall be liable to be indicted and punished as a principal offender.

99. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a justice of the peace, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this act made liable.

#### *As to Restitution and Recovery of Stolen Property.*

100. If any person guilty of any such felony or misdemeanour as is mentioned in this act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving, any chattel, money, valuable security, or other property whatsoever, shall be indicted for such offence, by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and in every case in this section aforesaid, the court before whom any person shall be tried for any such felony or misdemeanour, shall have power to award, from time to time, writs of restitution for the said property, or to order the restitution thereof in a summary manner: provided that if it shall appear, before any award or order made, that any valuable security shall have been bona fide paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument, shall have been bona fide taken or received by transfer or delivery, by some person or body corporate for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had by any felony or misdemeanour been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such case the court shall not award or order the restitution of such security; provided also that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent intrusted with the possession of goods, or documents of title to goods, for any misdemeanour against this act.

101. Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall, by any felony or misdemeanour, have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this act before mentioned, shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of eighteen years, with or without whipping.

102. Whosoever shall publicly advertise a reward for the return of any property whatsoever, which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall

have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought, or advanced money by way of loan upon, any property stolen or lost, the money so paid or advanced, or any other sum of money or reward for the return of such property, or shall print or publish any such advertisement, shall forfeit the sum of 50*l.* for every such offence, to any person who will sue for the same by action of debt, to be recovered, with full costs of suit.

#### *As to Apprehension of Offenders, and other Proceedings.*

103. Any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this act, except only the offence of angling in the daytime, may be immediately apprehended, without a warrant, by any person, and forthwith taken, together with such property, if any, before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove, upon oath before a justice of the peace, a reasonable cause to suspect that any person has in his possession, or on his premises, any property whatsoever, on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this act, shall have been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorised, and, in his power, is required to apprehend and forthwith to take before a justice of the peace the party offering the same, together with such property, to be dealt with according to law.

104. Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony against this act, and shall take such person, as soon as reasonably may be, before a justice of the peace, to be dealt with according to law.

105. Where any person shall be charged on the oath of a credible witness, before any justice of the peace, with any offence punishable on summary conviction under this Act, the justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode), the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace; or the justice before whom the charge shall be made may (if he shall so think fit), without any previous summons (unless where otherwise specially directed), issue such warrant, and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

106. Every sum of money which shall be forfeited on any summary conviction for the value of any property stolen as taken, or for the amount of any injury done (such value or amount to be assessed in each case by the convicting justice), shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such value or amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before justices of the peace are to be paid and applied in cases where the statute imposing the same contains no direction for the payment thereof to any person: provided, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than such value or amount; and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a justice of the peace is heretofore directed to be applied.



107. In every case of a summary conviction under this act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall at the time of the conviction, appoint, the convicting justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two months, where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 5*l*., and for any term not exceeding four months where the amount, with costs, shall not exceed 10*l*., and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

108. Where any person, shall be summarily convicted before a justice of the peace of any offence against this act, and it shall be a first conviction the justice may, if he shall so think fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

109. In case any person, convicted of any offence punishable upon summary conviction by virtue of this act, shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or from the Lord-Lieutenant or other chief governor in Ireland, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction by any justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

110. In all cases where the sum adjudged to be paid on any summary conviction shall exceed 5*l*., or the imprisonment adjudged shall exceed one month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be holden not less than twelve days after the day of such conviction for the county or place wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions or shall enter into a recognisance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded, or, if such appeal shall be against any conviction, whereby only a penalty or other sum of money shall be adjudged to be paid, shall deposit with the clerk of the convicting justice such a sum of money as such justice shall deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction and the costs of the appeal; and upon such notice being given, and such recognisance being entered into, or such deposit being made, the justice before whom such recognisance shall be entered into or such deposit shall be made shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmation of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where, after any such deposit shall have been made as aforesaid, the conviction shall be affirmed, the court may order the sum thereby adjudged to be paid, together with the costs of the conviction and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where, after any such deposit, the conviction shall be quashed, the court shall order the money deposited to be repaid to the party convicted; and in every

case where any conviction shall be quashed on appeal as aforesaid, the clerk of the peace or other proper officer shall forthwith indorse on the conviction a memorandum that the same has been so quashed; and whenever any copy or certificate of such conviction shall be made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction.

111. No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

112. Every justice of the peace before whom any person shall be convicted of any offence against this act shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

113. All actions and prosecutions to be commenced against any person for anything done in pursuance of this act shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise; and notices in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurres or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

#### *As to other Matters.*

114. If any person shall have in his possession in any one part of the United Kingdom any chattel, money, valuable security, or other property whatsoever, which he shall have stolen or otherwise feloniously taken in any other part of the United Kingdom, he may be dealt with, indicted, tried, and punished for larceny or theft in that part of the United Kingdom where he shall so have such property, in the same manner as if he had actually stolen or taken it in that part; and if any person in any one part of the United Kingdom shall receive or have any chattel, money, valuable security, or other property whatsoever which shall have been stolen or otherwise feloniously taken in any other part of the United Kingdom, such person knowing such property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such offence in that part of the United Kingdom where he shall so receive or have such property, in the same manner as if it had been originally stolen or taken in that part.

115. All indictable offences mentioned in this act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in which the offender shall be apprehended or be in custody; and in any indictment for any such offence, or for being an accessory to any such offence, the

venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas;" provided, that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

116. In any indictment for any offence punishable under this act, and committed after a previous conviction or convictions for any felony, misdemeanour, or offence or offences punishable upon summary conviction, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place, or at certain times and places, convicted of felony, or of an indictable misdemeanour, or of an offence or offences punishable upon summary conviction (as the case may be), without otherwise describing the previous felony, misdemeanour, offence, or offences; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanour, or a copy of any such summary conviction, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where the offender was first convicted, or to which such summary conviction shall have been returned, or by the deputy of such clerk or officer (for which certificate or copy a fee of 5s., and no more, shall be demanded or taken), shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows; that is to say, the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment; and if he answer that he had been so previously convicted, the court may proceed to sentence him accordingly; but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry; provided, that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

117. Whenever any person shall be convicted of any indictable misdemeanour punishable under this act, the court may, if it shall think fit, in addition to or in lieu of any of the punishments by this act authorised, fine the offender, and require him to enter into his own recognisances and to find sureties, both or either, for keeping the peace and being of good behaviour; and, in case of any felony punishable under this act the court may, if it shall think fit, require the offender to enter into his own recognisances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this act authorised; provided, that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

118. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this act, the court may, in addition to or in lieu of such imprisonment, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

119. Whenever solitary confinement may be awarded for any indictable offence under this act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and when-

ever whipping may be awarded for any indictable offence under this act, the court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

120. Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the act of the session holden in the 11 & 12 Vict. c. 43, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the act of the session holden in the 14 & 15 Vict. c. 93, or in such other manner as may be directed by any act that may be passed for like purposes; and all provisions contained in the said acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this act; provided, that nothing in this act contained shall in any manner alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the metropolitan police district, or the recovery or application of any penalty or forfeiture for any such offence.

121. The court before which any indictable misdemeanour against this act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

122. Nothing in this act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

123. This act shall commence and take effect on the 1st day of November, 1861.

#### CAP. XCVII.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property.  
[6th August, 1861.]

Sec. 1. *Setting fire to a church or chapel.*

2. *Setting fire to a dwelling-house, any person being therein.*

3. *Setting fire to a house, outhouse, manufactory, farm building, &c.*

4. *Setting fire to any railway station.*

5. *Setting fire to any public building.*

6. *Setting fire to other buildings.*

7. *Setting fire to goods in any building, the setting fire to which is felony.*

8. *Attempting to set fire to buildings.*

9. *Destroying or damaging a house with gunpowder, any person being therein.*

10. *Attempting to destroy buildings with gunpowder.*

11. *Rioters demolishing church, building, &c.*

12. *Rioters injuring building, machinery, &c.*

13. *Tenants of houses, &c. maliciously injuring them.*

14. *Destroying goods in process of manufacture, certain machinery, &c.*

15. *Destroying machines in other manufactures, threshing machines, &c.*

16. *Setting fire to crops of corn, &c.*

17. *Setting fire to stacks of corn, &c.*

18. *Attempting to set fire to any crops of corn, &c. or to any stack or store.*

19. *Destroying hopbinds.*

20. *Destroying or damaging trees, shrubs, &c. to the value of more than 11s. growing in a pleasure-ground, &c.*

21. *Destroying or damaging trees, shrubs, &c. to the value of more than 51s. growing elsewhere than in a pleasure-ground, &c.*

22. *Damaging trees, whereover growing, to the amount of 1s. Second offence. Third offence.*

23. *Destroying any fruit or vegetable production in a garden. Second offence.*

24. *Destroying, &c. vegetable productions not growing in gardens, &c. Second offence.*

25. *Destroying, &c. any fence, wall, stile, or gate. Second offence.*

26. *Setting fire to a coal-mine.*
27. *Attempting to set fire to a mine.*
28. *Conveying water into a mine, obstructing the shaft, &c.*
29. *Damaging steam-engines, staiths, waggon-ways, &c. for working mines.*
30. *Destroying any sea bank, or wall on any canal.*
31. *Removing the piles of any sea bank, &c., or doing any damage to obstruct the navigation of a river or canal.*
32. *Breaking down the dam of a fishery, &c. or mill dam, or poisoning fish.*
33. *Injury to a public bridge.*
34. *Destroying a turnpike-gate, toll-house, &c.*
35. *Placing wood, &c. on railway with intent to obstruct or overthrow any engine, &c.*
36. *Obstructing engines or carriages on railways.*
37. *Injuries to electric or magnetic telegraphs.*
38. *Attempt to injure such telegraphs.*
39. *Destroying or damaging works of art in museums, churches, &c., or in public places.*
40. *Killing or maiming cattle.*
41. *Killing or maiming other animals. Second offence.*
42. *Setting fire to a ship.*
43. *Setting fire to ships to prejudice the owner or underwriters.*
44. *Attempting to set fire to a vessel.*
45. *Placing gunpowder near a vessel with intent to damage it.*
46. *Damaging ships otherwise than by fire.*
47. *Exhibiting false signals, &c.*
48. *Removing or concealing buoys and other sea marks.*
49. *Destroying wrecks, or any articles belonging thereto.*
50. *Sending letters threatening to burn or destroy houses, buildings, ships, &c.*
51. *Persons committing malicious injuries not before provided for, exceeding the amount of 5l.*
52. *Persons committing damage to any property, in any case not previously provided for, may be committed or fined, and compelled by a justice to pay compensation not exceeding 5l. Application of the money awarded. Not to extend to certain cases herein named.*
53. *Preceding section to extend to trees.*
54. *Making or having gunpowder, &c. with intent to commit any felony against this act.*
55. *Justices may issue warrants for searching houses, &c. for such gunpowder, &c.*
56. *Principals in the second degree and accessories. Abettors in misdemeanours.*
57. *A person loitering at night, and suspected of any felony against this act, may be apprehended.*
58. *Makes against owner of property unnecessary.*
59. *Provisions of this act shall apply to persons in possession of the property injured.*
60. *Intent to injure or defraud particular persons need not be stated in any indictment.*
61. *Persons in the act of committing any offence may be apprehended without a warrant.*
62. *Mode of compelling the appearance of persons punishable on summary conviction.*
63. *Abettors in offences punishable on summary conviction.*
64. *Application of forfeitures and penalties upon summary convictions. Provision where several persons join in commission of the same offence.*
65. *If a person summarily convicted shall not pay &c., the justice may commit him.*
66. *The justice may discharge the offender in certain cases.*
67. *A summary conviction shall be a bar to any other proceeding for the same cause.*
68. *Appeal.*
69. *No certiorari, &c.*
70. *Consentions to be returned to the quarter sessions. How far evidence in future cases.*
71. *Venue in proceedings against persons acting under this act. Notice of action. General issue, &c.*
72. *Offences committed within the jurisdiction of the Admiralty.*
73. *Fine and sureties for keeping the peace, in what cases.*

74. *Hard labour.*
75. *Solitary confinement and whipping.*
76. *Summary proceedings in England may be tender the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 83, except in London and the metropolitan police districts.*
77. *The costs of the prosecution of misdemeanours against this act may be allowed.*
78. *Act not to extend to Scotland.*
79. *Commencement of act.*

Whereas it is expedient to consolidate and amend the statute law of England and Ireland relating to malicious injuries to property: be it enacted &c. as follows:—

*Injuries by Fire to Buildings, and Goods therein.*

Sect. 1. Whosoever shall unlawfully and maliciously set fire to any church, chapel, meeting-house, or other place of divine worship, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

2. Whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

3. Whosoever shall unlawfully and maliciously set fire to any house, stable, coachhouse, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, storehouse, granary, hovel, shed, or fold, or to any farm building, or to any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, whether the same shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

4. Whosoever shall unlawfully and maliciously set fire to any station, engine-house, warehouse, or other building belonging or appertaining to any railway, port, dock, or harbour, or to any canal or other navigation, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

5. Whosoever shall unlawfully and maliciously set fire to any building, other than such as are in this act before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor-law union, parish, or place, or belonging to any university, or college or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

6. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this act before mentioned shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

7. Whosoever shall unlawfully and maliciously set fire to any matter or thing, being in, against, or under any building, under such circumstances that if the building were thereby set fire to, the offence would amount to felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

8. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any building, or any matter or thing in the last preceding section mentioned, under such circumstances that if the same were thereby set fire to, the offender would be guilty of felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries by explosive Substances to Buildings, and Goods therein.*

9. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling-house, any person being therein, or of any building whereby the life of any person shall be endangered, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

10. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any building any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any damage be caused, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries to Buildings by Rioters, &c.*

11. If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish or pull down or destroy, or begin to demolish, pull down; or destroy, any church, chapel, meeting-house, or other place of divine worship, or any house, stable, coachhouse, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture or any branch thereof, or any building, other than such as are in this section before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor-law union, parish, or place, or belonging to any university, or college or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam-engine or other engine for sinking, working, ventilating, or draining any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

12. If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coachhouse, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggon-way, or trunk, as is in the last preceding section mentioned, every such offender shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: provided, that if, upon the trial of any person for any felony in the last preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

*Injuries to Buildings by Tenants.*

13. Whosoever, being possessed of any dwelling-house or other building, or part of any dwelling-house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, shall unlawfully and maliciously pull down or demolish, or begin to pull down or demolish, the same or any part thereof, or shall unlawfully and maliciously pull down or sever from the freehold any fixture being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, shall be guilty of a misdemeanour.

*Injuries to Manufactures, Machinery, &c.*

14. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any goods or article of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process, or progress of manufacture, or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any warp or shute of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or render useless, any loom, frame, machine, engine, rack, tackle, tool, or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles, or shall by force enter into any house, shop, building, or place, with intent to commit any of the offences in this section mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

15. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any machine or engine, whether fixed or moveable, used or intended to be used for sowing, reaping, mowing, thrashing, ploughing, or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or moveable, prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen, cotton, hair, mohair, or alpaca goods, or goods of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace); shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries to Corn, Trees, and Vegetable Productions.*

16. Whoever shall unlawfully and maliciously set fire to any crop of hay, grass, corn, grain, or pulse, or of any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, or to any heath, gorse, furze, or fern, wheresoever the same may be growing, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

17. Whoever shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, tares, hay, straw, haulm, stubble, or of any cultivated vegetable produce, or of furze, gorse, heath, fern, turf, peat, coals, charcoal, wood, or bark, or to any steer of wood or bark, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

18. Whoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any such matter or thing as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to, the offender would be, under either of such sections, guilty of felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

19. Whoever shall unlawfully and maliciously cut or otherwise destroy any hopblinds growing on poles in any plantation of hops shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

20. Whoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any park, pleasure-ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of 1*l.*), shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

21. Whoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any park, pleasure-ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of 5*l.*), shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

22. Whoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be growing, the injury done being to the amount of 1*l.* at the least, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three

months, or else shall forfeit and pay, over and above the amount of injury done, such sum of money, not exceeding 5*l.*, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve months, as the convicting justice shall think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this act), shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

23. Whoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse, or conservatory, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 20*l.*, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

24. Whoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, or nursery ground, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 20*l.*, as to the justice shall seem meet, and in default of payment thereof, together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding six months, as the convicting justice shall think fit.

*Injuries to Fences.*

25. Whoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall, on conviction thereof before a justice of the peace, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 5*l.*, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former act of Parliament, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve months, as the convicting justice shall think fit.

*Injuries to Mines.*

26. Whoever shall unlawfully and maliciously set fire to

any mine of coal, cannel coal, anthracite, or other mineral fuel, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

27. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any mine, under such circumstances that if the mine were thereby set fire to, the offender would be guilty of felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

28. Whosoever shall unlawfully and maliciously cause any water to be conveyed or run into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall with the like intent unlawfully and maliciously pull down, fill up, or obstruct, or damage with intent to destroy, obstruct, or render useless, any airway, water-way, drain, pit, level, or shaft of or belonging to any mine, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping: provided that this provision shall not extend to any damage committed underground by any owner of any adjoining mine in working the same, or by any person duly employed in such working.

29. Whosoever shall unlawfully and maliciously pull down or destroy, or damage with intent to destroy or render useless, any steam-engine or other engine for sinking, draining, ventilating, or working, or for in anywise assisting in sinking, draining, ventilating, or working any mine, or any appliance or apparatus in connexion with any such steam or other engine, or any stait, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, whether such engine, stait, building, erection, bridge, waggon-way, or trunk be completed or in an unfinished state, or shall unlawfully and maliciously stop, obstruct, or hinder the working of any such steam or other engine, or of any such appliances or apparatus as aforesaid, with intent thereby to destroy or damage any mine, or to hinder, obstruct, or delay the working thereof, or shall unlawfully and maliciously wholly or partially cut through, sever, break, or unfasten, or damage with intent to destroy or render useless, any rope, chain, or tackle, of whatsoever material the same shall be made, used in any mine, or in or upon any inclined plane, railway, or other way, or other work whatsoever, in anywise belonging or appertaining to, or connected with, or employed in any mine, or the working or business thereof, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries to Sea and River Banks, and to Works on Rivers, Canals, &c.*

30. Whosoever shall unlawfully and maliciously break down, or cut down, or otherwise damage or destroy any sea bank or sea wall, or the bank, dam, or wall of or belonging to any river, canal, drain, reservoir, pool, or marsh, whereby any land or building shall be, or shall be in danger of being, overflowed or damaged, or shall unlawfully and maliciously throw, break, or cut down, level, undermine, or otherwise destroy any quay, wharf, jetty, lock, sluice, floodgate, weir, tunnel, towing-path, drain, watercourse, or other work belonging to any port, harbour, dock, or reservoir, or on or

belonging to any navigable river or canal, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

31. Whosoever shall unlawfully and maliciously cut off, draw up, or remove any piles, chalk, or other materials fixed in the ground, and used for securing any sea bank or sea wall, or the bank, dam, or wall of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, wharf, jetty, or lock, or shall unlawfully and maliciously open or draw up any floodgate or sluice, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries to Ponds.*

32. Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam, floodgate, or sluice of any fish pond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that may then be or that may thereafter be put therein, or shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam or floodgate of any mill pond, reservoir, or pool, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries to Bridges, Viaducts, and Toll-bars.*

33. Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any bridge (whether over any stream of water or not), or any viaduct or aqueduct, over or under which bridge, viaduct, or aqueduct any highway, railway, or canal shall pass, or do any injury with intent and so as thereby to render such bridge, viaduct, or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

34. Whosoever shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any turnpike-gate or toll-bar, or any wall, chain, rail, post, bar, or other fence belonging to any turnpike-gate or toll-bar, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any act of Parliament relating thereto, or any house, building, or weighing engine erected for the better collection, ascertainment, or security of any such toll, shall be guilty of a misdemeanour.

*Injuries to Railway Carriages and Telegraphs.*

35. Whosoever shall unlawfully and maliciously put, place, cast, or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machi-



nery belonging to any railway, or shall unlawfully and maliciously make or shew, hide or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

36. Whosoever, by any unlawful act, or by any wilful omission or neglect, shall obstruct or cause to be obstructed any engine or carriage using any railway, or shall aid or assist therein, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

37. Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance, or delivery of any communication by any such telegraph, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour: provided, that if it shall appear to any justice, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the justice may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding 10*l.*, as to the justice shall seem meet.

38. Whosoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding 10*l.*, as to the justice shall seem meet.

#### *Injuries to Works of Art.*

39. Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository is either at all times or from time to time open for the admission of the public, or of any considerable number of persons, to view the same, either by the permission of the proprietor thereof or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other ornament or work of art, in any church, chapel, meeting-house, or other place of divine worship, or in any building belonging to the Queen, or to any county, riding, division, city, borough, poor-law union, parish, or place, or to any university, or college or hall of any university, or to any inn of court, or in any street, square, church-yard, burial-ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing, or fence surrounding such statue or monument, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding six months; with or without hard labour, and, if a male under the age of sixteen years, with or without whipping: provided that nothing herein contained shall be deemed to affect the right of any person to recover, by action at law, damages for the injury so committed.

#### *Injuries to Cattle and other Animals.*

40. Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

41. Whosoever shall unlawfully and maliciously kill, maim, or wound any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or for any domestic purpose, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the amount of injury done, such sum of money, not exceeding 20*l.*, as to the justice shall seem meet; and whosoever, having been convicted of any such offence, shall afterwards commit any of the said offences in this section before mentioned, and shall be convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding twelve months as the convicting justice shall think fit.

42. Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

43. Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

44. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to, cast away, or destroy any ship or vessel, under such circumstances that, if the ship or vessel were thereby set fire to, cast away, or destroyed, the offender would be guilty of felony, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

45. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods, or chattels, shall, whether or not any explosion take place, and whether or not any injury be effected, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

46. Whosoever shall unlawfully and maliciously damage, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, shall be guilty of felony, and, being convicted



thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

47. Whosoever shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship, vessel, or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

48. Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any manner unlawfully and maliciously injure or conceal any boat, buoy, buoy rope, perch, or mark used or intended for the guidance of seamen or the purpose of navigation, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

49. Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*Sending Letters threatening to burn or destroy.*

50. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or any grain, hay, or straw, or other agricultural produce, in or under any building, or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

*Injuries not before provided for.*

51. Whosoever shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, the damage, injury, or spoil being to an amount exceeding £1, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour; and in case any such offence shall be committed between the hours of nine of the clock in the evening and six of the clock in the morning, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding five years and not less than three; or to be imprisoned for any term not exceeding two years, with or without hard labour.

52. Whosoever shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall,

on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding two months, or else shall forfeit and pay such sum of money, not exceeding £1, as to the justice shall seem meet, and also such further sum of money as shall appear to the justice to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of £1, which last-mentioned sum of money shall, in the case of private property, be paid to the party aggrieved; and in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a justice of the peace under this act; and if such sums of money, together with costs (if ordered), shall not be paid either immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, the justice may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the justice shall think fit, for any term not exceeding two months, unless such sums and costs be sooner paid: provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this act had not passed.

53. The provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided.

*Making Gunpowder to commit Offences, and searching for the same.*

54. Whosoever shall make or manufacture, or knowingly have in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent thereby or by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this act mentioned, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

55. Any justice of the peace of any county or place in which any machine, engine, implement, or thing, or any gunpowder or other explosive, dangerous, or noxious substance, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant under his hand and seal for searching in the daytime any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as hereinbefore mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining every such machine, engine, implement, and thing, and all such gunpowder, explosive, dangerous, or noxious substances found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offence, and the barrels, packages, cases, and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a justice by the act passed in the session holden in the 23 & 24 Viet. c. 139, intimated "An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks."

*Other Matters.*

56. In the case of every felony punishable under this act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this act punishable; and every accessory after the fact to any felony punishable under

this act shall on conviction be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this act shall be liable to be proceeded against, indicted, and punished as a principal offender.

67. Any constable or peace officer may take into custody, without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony against this act, and shall take such person as soon as reasonably may be before a justice of the peace, to be dealt with according to law.

68. Every punishment and forfeiture by this act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

69. Every provision of this act not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in possession of the property against or in respect of which such act shall be done.

70. It shall be sufficient, in any indictment for any offence against this act, where it shall be necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud, as the case may be, without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud, as the case may be.

71. Any person found committing any offence against this act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorised by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law.

72. Where any person shall be charged, on the oath of a credible witness, before any justice of the peace, with any offence punishable on summary conviction under this act, the justice may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace; or the justice before whom the charge shall be made may, if he shall so think fit, without any previous summons, unless where otherwise specially directed, issue such warrant; and the justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

73. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a justice of the peace, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this act made liable.

74. Every sum of money which shall be forfeited for the amount of any injury done shall be assessed in each case by the convicting justice, and shall be paid to the party aggrieved, except where he is unknown, and in that case such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any justice of the peace, whether in addition to such amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before justices of the peace are to

be paid and applied in cases where the statute imposing the same contains no directions for the payment thereof to any person: provided that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than such value or amount, and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a justice of the peace is hereinbefore directed to be applied.

75. In every case of a summary conviction under this act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, the convicting justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 5*l.*; and for any term not exceeding four months where the amount, with costs, shall not exceed 10*l.*; and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

76. Where any person shall be summarily convicted before a justice of the peace of any offence against this act, and it shall be a first conviction, the justice may, if he shall so think fit, discharge the offender from his conviction upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the justice.

77. When any person convicted of any offences punishable upon summary conviction by virtue of this act shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or the Lord-Lieutenant or other chief governor of Ireland, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or shall have been so discharged from his conviction by any justice as aforesaid, he shall be released from all further or other proceedings for the same cause.

78. In all cases where the sum adjudged to be paid on any summary conviction shall exceed 5*l.*, or the imprisonment adjudged shall exceed one month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions, which shall be holden not less than twelve days after the day of such conviction, for the county or place wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or shall enter into a recognisance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; or, if such appeal shall be against any conviction whereby only a penalty or sum of money shall be adjudged to be paid, shall deposit with the clerk of the convicting justice such a sum of money as such justice shall deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction and the costs of the appeal; and upon such notice being given, and such recognisance being entered into, or such deposit being made, the justice before whom such recognisance shall be entered into, or such deposit shall be made, shall liberate such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet; and, in case of the dismissal of the appeal, or the affirmation of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for

enforcing such judgment; and in any case where, after any such deposit shall have been made as aforesaid, the conviction shall be affirmed, the court may order the sum thereby adjudged to be paid, together with the costs of the conviction and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where, after any such deposit, the conviction shall be quashed, the court shall order the money deposited to be repaid to the party convicted; and in every case where any conviction shall be quashed on appeal as aforesaid, the clerk of the peace or other proper officer shall forthwith indorse on the conviction a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction shall be made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction.

69. No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

70. Every justice of the peace before whom any person shall be convicted of any offence against this act shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shewn.

71. All actions and prosecutions to be commenced against any person for anything done in pursuance of this act shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

72. All indictable offences mentioned in this act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed "on the high seas:" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

73. Whenever any person shall be convicted of any indictable misdemeanour punishable under this act, the court may, if it shall think fit, in addition to or in lieu of any of the

punishments by this act authorised, fine the offender, and require him to enter into his own recognisances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this act, the court may, if it shall think fit, require the offender to enter into his own recognisances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this act authorised: provided that no person shall be imprisoned under this clause, for not finding sureties, for any period exceeding one year.

74. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

75. Whenever solitary confinement may be awarded for any indictable offence under this act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this act, the court may sentence the offender to be once privately whipped, and the number of strokes, and the instrument with which they shall be inflicted, shall be specified by the court in the sentence.

76. Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the act of the session holden in the 11 & 12 Vict. c. 43, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution; and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the act of the session holden in the 14 & 15 Vict. c. 93, or in such other manner as may be directed by any act that may be passed for like purposes; and all provisions contained in the said acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this act: provided that nothing in this act contained shall in any manner alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the metropolitan police district, or the recovery or application of any penalty or forfeiture for any such offence.

77. The court before which any indictable misdemeanour against this act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

78. Nothing in this act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

79. This act shall commence and take effect on the 1st November, 1861.

#### CAP. XCVIII.

An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery.

[6th August, 1861.]

- Sect. 1. *Forging the great seal, privy seal, &c.*
2. *Forging transfer of certain stock, and power of attorney relating thereto.*
3. *Personating the owner of certain stock, and transferring or receiving, or endeavouring to transfer or receive, the dividends.*
4. *Forging attestation to power of attorney for transfer of stock, &c.*
5. *Making false entries in the books of the public funds.*
6. *Clerks of the Bank making out false dividend warrants.*
7. *Forging an East India bond.*
8. *Forging Exchequer bills, bonds, and debentures, &c.*
9. *Making plates, &c. in imitation of those used for Exchequer bills, &c.*
10. *Making paper in imitation of that used for Exchequer bills, &c.*

11. *Having in possession paper, plates, or dies to be used for Exchequer bills, &c.*
12. *Forging a bank note, &c.*
13. *Purchasing or receiving or having forged bank notes.*
14. *Making or having mould for making paper with the words "Bank of England," or "Bank of Ireland," or with curved bar lines, &c., or selling such paper.*
15. *Provido as to paper used for bills of exchange, &c.*
16. *Engraving or having any plate, &c. for making notes of Bank of England or Ireland, or other banks, or having such plate, &c., or uttering or having paper upon which a blank bank note, &c. shall be printed.*
17. *Engraving on a plate, &c. any word, number, or device resembling part of a bank note or bill, or using or having any such plate, &c., or uttering or having any paper on which any such word, &c. is impressed.*
18. *Making or having mould for making paper with the name of any banker, or making or having such paper.*
19. *Engraving plates for foreign bills or notes, or using or having such plates, or uttering paper on which any part of any such bill or note is printed.*
20. *Forging deeds, bonds, &c.*
21. *Forging wills.*
22. *Forging bills of exchange or promissory notes.*
23. *Forging orders, receipts, &c. for money, goods, &c.*
24. *Any person making or accepting any bill, note, &c. by procuration, without lawful authority, or uttering any such bill, note, &c. so made or accepted, with intent to defraud, to be guilty of felony.*
25. *Obliterating crossings on cheques.*
26. *Forging debentures.*
27. *Forging proceedings of courts of record or courts of equity.*
28. *Forging copies or certificates of records, process of courts not of record, and using forged process.*
29. *Forging instruments made evidence by any act of Parliament.*
30. *Forging court rolls.*
31. *Forgery as to the registry of deeds.*
32. *Forging orders of justices, recognisances, affidavits, &c.*
33. *Forging name of Accountant-General, &c. of Court of Chancery in England or Ireland, or of any judge of the Landed Estates Court in Ireland.*
34. *Acknowledging recognisance, bail, cognovit, &c. in the name of another.*
35. *Forging or uttering marriage license or certificate.*
36. *Forging registers of births, baptisms, marriages, deaths, or burials.*
37. *Making false entries in copies of register sent to registrar.*
38. *Demanding property upon forged instruments.*
39. *Forging any instrument, however designated, which is in law a will, bill of exchange, &c.*
40. *Forging, &c., in England or Ireland, documents purporting to be made, or actually made, out of England and Ireland; forging, &c., in England or Ireland, bills of exchange, &c. purporting to be payable out of England or Ireland.*
41. *Forgers, &c. may be tried in the county where they are apprehended, or are in custody.*
42. *Description of instrument in indictments for forgery.*
43. *Description of instrument in indictments for engraving, &c.*
44. *Intent to defraud particular persons need not be alleged or proved.*
45. *Interpretation as to criminal possession.*
46. *Search for paper or implements employed in any forgery, and for forged instruments.*
47. *Other punishments substituted for those of the 5 Eliz. c. 14, which have been adopted in other acts.*
48. *All forgeries which were capital before the 1 Will. 4, c. 68, and are not otherwise punishable under this act, shall be punished with penal servitude for life, &c.*

49. *Principals in the second degree, and accessories, abettors in misdemeanours.*
50. *Offences committed within the jurisdiction of the Admiralty.*
51. *Fine and sureties for keeping the peace, in what cases.*
52. *Hard labour.*
53. *Solitary confinement.*
54. *The costs of the prosecution of misdemeanours against this act may be allowed.*
55. *Act not to extend to Scotland.*
56. *Commencement of act.*

Whereas it is expedient to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery: be it enacted &c. as follows:—

*As to forging Her Majesty's Seals.*

Sect. 1. Whosoever shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the great seal of the United Kingdom, her Majesty's privy seal, any privy signet of her Majesty, her Majesty's royal sign-manual, any of her Majesty's seals appointed by the twenty-fourth article of the union between England and Scotland to be kept, used, and continued in Scotland, the great seal of Ireland, or the privy seal of Ireland, or shall forge or counterfeit the stamp or impression of any of the seals aforesaid, or shall utter any document or instrument whatsoever having thereon or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing the same to be forged or counterfeited, or shall forge or alter, or utter, knowing the same to be forged or altered, any document or instrument having any of the said stamps or impressions thereon or affixed thereto, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Transfers of Stock, &c.*

2. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England or at the Bank of Ireland, or of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter, or by, under, or by virtue of any act of Parliament, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or to receive any dividend or money payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

3. Whosoever shall falsely and deceitfully personate any owner of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England or at the Bank of Ireland, or any owner of any share or interest of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter, or by, under, or by virtue of any act of Parliament, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid, and shall thereby transfer or endeavour to transfer any share or interest belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner, as if such offender were

the true and lawful owner, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

4. Whosoever shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock as is in either of the last two preceding sections mentioned, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney or other authority, with any such forged name, handwriting, or signature thereon, knowing the same to be forged, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

5. Whosoever shall wilfully make any false entry in, or wilfully alter any word or figure in, any of the books of account kept by the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, in which books the accounts of the owners of any stock, annuities, or other public funds which now are or hereafter may be transferable at the Bank of England or at the Bank of Ireland shall be entered and kept, or shall in any manner wilfully falsify any of the accounts of any of such owners in any of the said books, with intent in any of the cases aforesaid to defraud, or shall wilfully make any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England or at the Bank of Ireland, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

6. Whosoever, being a clerk, officer, or servant of, or other person employed or intrusted by, the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, shall knowingly make out or deliver any dividend warrant, or warrant for payment of any annuity, interest, or money payable at the Bank of England or Ireland, for a greater or less amount than the person on whose behalf such warrant shall be made out is entitled to, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### *As to forging India Bonds.*

7. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bond commonly called an East India bond, or any bond, debenture, or security issued or made under the authority of any act passed or to be passed relating to the East Indies, or any indorsement on or assignment of any such bond, debenture, or security, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### *As to forging Exchequer Bills, &c.*

8. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer bill or Exchequer bond or Exchequer debenture, or any indorsement on or assignment of any Exchequer bill or Exchequer bond or Exchequer debenture, or any receipt or certificate for interest accruing thereon, with

intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

9. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make, or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his custody or possession, any frame, mould, or instrument having therein any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for Exchequer bills or Exchequer bonds or Exchequer debentures, or any machinery for working any threads into the substance of any paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads, or devices, or any plate peculiarly employed for printing such Exchequer bills, bonds, or debentures, or any die or seal peculiarly used for preparing any such plate, or for sealing such Exchequer bills, bonds, or debentures, or any plate, die, or seal intended to imitate any such plate, die, or seal as aforesaid, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

10. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make, or cause or procure to be made, or aid or assist in making, any paper in the substance of which shall appear any words, letters, figures, marks, lines, threads, or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such Exchequer bills, bonds, or debentures, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall knowingly have in his custody or possession any paper whatsoever, in the substance whereof shall appear any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any parts of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall cause or assist in causing any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, to appear in the substance of any paper whatever, or shall take or assist in taking any impression of any such plate, die, or seal as in the last preceding section mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive, or knowingly have in his custody or possession, any paper manufactured and provided by or under the directions of the Commissioners of Inland Revenue or Commissioners of her Majesty's Treasury, for the purpose of being used as Exchequer bills or Exchequer bonds or Exchequer debentures, before such paper shall have been duly stamped, signed, and issued for public use, or any such plate, die, or seal as in the last two preceding sections mentioned, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding three years, with or without hard labour.

#### *As to forging Bank Notes.*

12. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any note or bill of exchange of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any indorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to

be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive from any other person, or have in his custody or possession, any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

*As to making and engraving Plates, &c. for Bank Notes, &c.*

14. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or use, or knowingly have in his custody or possession, any frame, mould, or instrument for the making of paper with the words "Bank of England" or "Bank of Ireland," or any part of such words intended to resemble and pass for the same, visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in roman letters, visible in the substance of the paper, or with any device or distinction peculiar to, and appearing in the substance of the paper used by, the Governor and Company of the Banks of England and Ireland respectively for any notes, bills of exchange, or bank post bills of such banks respectively, or shall make, use, sell, expose to sale, utter, or dispose of, or knowingly have in his custody or possession, any paper whatsoever with the words "Bank of England" or "Bank of Ireland," or any part of such words intended to resemble and pass for the same, visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in roman letters, appearing visible in the substance of the paper, or with any device or distinction peculiar to, and appearing in the substance of the paper used by, the Governor and Company of the Banks of England and Ireland respectively for any notes, bills of exchange, or bank post bills of such banks respectively, or shall by any art or contrivance cause the words "Bank of England" or "Bank of Ireland," or any part of such words intended to resemble and pass for the same, or any device or distinction peculiar to, and appearing in the substance of the paper used by, the Governor and Company of the Banks of England and Ireland respectively for any notes, bills of exchange, or bank post bills of such banks respectively, to appear visible in the substance of any paper, or shall cause the numerical sum or amount of any bank note, bank bill of exchange, or bank post bill, blank bank note, blank bank bill of exchange, or blank bank post bill, in a word or words in roman letters, to appear visible in the substance of the paper whereon the same shall be written or printed, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

15. Nothing in the last preceding section contained shall prevent any person from issuing any bill of exchange or promissory note having the amount thereof expressed in guineas, or in a numerical figure or figures denoting the amount thereof in pounds sterling, appearing visible in the substance of the paper upon which the same shall be written or printed, nor shall prevent any person from making, using, or selling any paper having waving or curved lines or any other devices in the nature of water-marks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved laying wire lines or bar lines or the water-marks of the paper used by the Governor and Company of the Banks of England and Ireland respectively.

16. Whosoever, without lawful authority or excuse (the

proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any promissory note, bill of exchange, or bank post bill, or part of a promissory note, bill of exchange, or bank post bill, purporting to be a bank note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers, or to be a blank bank note, blank promissory note, blank bill of exchange, or blank bank post bill of the Governor and Company of the Bank of England, or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or to be a part of a bank note, promissory note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or any name, word, or character resembling or apparently intended to resemble any subscription to any bill of exchange or promissory note issued by the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland, or by any such other body corporate, company, or person as aforesaid, or shall use any such plate, wood, stone, or other material, or any other instrument or device, for the making or printing any bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, or knowingly have in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any blank bank note, blank bank bill of exchange, or blank bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or part of a bank note, bank bill of exchange, or bank post bill, or any name, word, or character resembling or apparently intended to resemble any such subscription, shall be made or printed, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

17. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any word, number, figure, device, character, or ornament, the impression taken from which shall resemble or apparently be intended to resemble any part of a bank note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any other body corporate, company, or person carrying on the business of bankers, or shall use, or knowingly have in his custody or possession, any such plate, wood, stone, or other material, or any other instrument or device for the impressing or making upon any paper or other material any word, number, figure, character, or ornament which shall resemble or apparently be intended to resemble any part of a bank note, bank bill of exchange, or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland, or of any such other body corporate, company, or person as aforesaid, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper or other material upon which there shall be an impression of any such matter as aforesaid, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

18. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or use any frame, mould, or instrument for the manufacture of paper, with the name or firm of any body corporate, company, or person carrying on the business of bankers (other



than and except the Banks of England and Ireland respectively), appearing visible in the substance of the paper, or knowingly have in his custody or possession any such frame, mould, or instrument, or make, use, sell, expose to sale, utter, or dispose of, or knowingly have in his custody or possession, any paper in the substance of which the name or firm of any such body corporate, company, or person shall appear visible, or by any art or contrivance cause the name or firm of any such body corporate, company, or person to appear visible, in the substance of the paper upon which the same shall be written or printed, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatsoever language the same may be expressed, and whether the same shall or shall not be or be intended to be under seal, purporting to be the bill, note, undertaking, or order, or part of the bill, note, undertaking, or order, of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate or body of the like nature constituted or recognised by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of her Majesty, or shall use, or knowingly have in his custody or possession, any plate, stone, wood, or other material upon which any such foreign bill, note, undertaking, or order, or any part thereof, shall be engraved or made, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any part of any such foreign bill, note, undertaking, or order shall be made or printed, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Deeds, Wills, Bills of Exchange, &c.*

20. Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, or any bond or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any deed, bond, or writing obligatory, or shall offer, utter, dispose of, or put off any deed, bond, or writing obligatory having thereon any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

21. Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

22. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any acceptance, indorsement, or assignment of any bill of exchange, or any promissory note for the payment of money, or any indorsement or assignment of any such promissory note, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal ser-

vitute for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

23. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt, acquittance, or receipt for money or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, with intent, in any of the cases aforesaid, to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

24. Whosoever, with intent to defraud, shall draw, make, sign, accept, or indorse any bill of exchange or promissory note, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of goods or chattels, or of any bill, note, or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse, or shall offer, utter, dispose of, or put off any such bill, note, undertaking, warrant, order, authority, or request so drawn, made, signed, accepted, or indorsed by procuration or otherwise, without lawful authority or excuse, as aforesaid, knowing the same to have been so drawn, made, signed, accepted, or indorsed as aforesaid, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

25. Whenever any cheque or draft on any banker shall be crossed with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation thereof, whosoever shall obliterate, add to, or alter any such crossing, or shall offer, utter, dispose of, or put off any cheque or draft whereon any such obliteration, addition, or alteration has been made, knowing the same to have been made, with intent, in any of the cases aforesaid, to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

26. Whosoever shall fraudulently forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within her Majesty's dominions or elsewhere, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Records, Process, Instruments of Evidence, &c.*

27. Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognisance, cognovit actionem, or warrant of attorney, or any original document whatsoever, or of belonging to any court of record, or any bill, petition, process, notice, rule, answer, pleading, interrogatory, deposition, affidavit, affirmation, report, order, or decree, or any original document whatsoever, or of belonging to any court of equity or court of admiralty in England or Ireland, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any court in this



section mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

28. Whosoever, being the clerk of any court, or other officer having the custody of the records of any court, or being the deputy of any such clerk or officer, shall utter any false copy or certificate of any record, knowing the same to be false; and whosoever, other than such clerk, officer, or deputy, shall certify any copy or certificate of any record as such clerk, officer, or deputy; and whosoever shall forge or fraudulently alter, or offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or shall offer, utter, dispose of, or put off any copy or certificate of any record having thereon any false or forged name, handwriting, or signature, knowing the same to be false or forged; and whosoever shall forge the seal of any court of record, or shall forge or fraudulently alter any process of any court other than such courts as in the last preceding section mentioned, or shall serve or enforce any forged process of any court whatsoever, knowing the same to be forged, or shall deliver or cause to be delivered to any person any paper falsely purporting to be any such process, or a copy thereof, or to be any judgment, decree, or order of any court of law or equity, or a copy thereof, knowing the same to be false, or shall act or profess to act under any such false process, knowing the same to be false, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

29. Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is or shall be made evidence by any act passed or to be passed, and for which offence no punishment is herein provided, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Court Rolls.*

30. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any court roll, or copy of any court roll, relating to any copyhold or customary estate, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Registers of Deeds.*

31. Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing made or issued under the provisions of any act passed or hereafter to be passed for or relating to the registry of deeds; or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds, or any stamp or impression of any such seal; or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing which shall be required or directed to be signed by or by virtue of any act passed or to be passed, or shall offer, utter, dispose of, or put off any such memorial or other writing as in this section before mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years,

and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Orders, &c. of Justices of the Peace.*

32. Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any summons, conviction, order, or warrant of any justice of the peace, or any recognisance purporting to have been entered into before any justice of the peace, or other officer authorised to take the same, or any examination, deposition, affidavit, affirmation, or solemn declaration, taken or made before any justice of the peace, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging the Name of the Accountant-General, &c.*

33. Whosoever, with intent to defraud, shall forge or alter any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing made or purporting to be made by the accountant-general, or any other officer of the Court of Chancery in England or Ireland, or by any judge or officer of the Landed Estates Court in Ireland, or by any officer of any court in England or Ireland, or by any cashier or other officer or clerk of the Governor and Company of the Bank of England or Ireland, or the name, handwriting, or signature of any such accountant-general, judge, cashier, officer, or clerk as aforesaid, or shall offer, utter, dispose of, or put off any such certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing, knowing the same to be forged or altered, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to falsely acknowledging Recognisances, &c.*

34. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall, in the name of any other person, acknowledge any recognisance or bail, or any cognovit actionem, or judgment, or any deed or other instrument, before any court, judge, or other person lawfully authorised in that behalf, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Marriage Licenses.*

35. Whosoever shall forge or fraudulently alter any license of or certificate for marriage, or shall offer, utter, dispose of, or put off any such license or certificate, knowing the same to be forged or fraudulently altered, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

*As to forging Registers of Births, Marriages, and Deaths.*

36. Whosoever shall unlawfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials which now is or hereafter shall be by law authorised or required to be kept in England or Ireland, or any part of any such register, or any certified copy of any such register, or any part thereof, or shall forge or fraudulently alter in any such register any entry relating to any birth, baptism, marriage, death, or burial, or any part of any such register, or any certified copy of such register, or of any part thereof, or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth,

baptism, marriage, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, death, or burial, or shall certify any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract shall be so given, to be false in any material particular, or shall forge or counterfeit the seal of or belonging to any register office or burial board, or shall offer, utter, dispose of, or put off any such register, entry, certified copy, certificate, or seal, knowing the same to be false, forged, or altered, or shall offer, utter, dispose of, or put off any copy of any entry in any such register, knowing such entry to be false, forged, or altered, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

37. Whosoever shall knowingly and wilfully insert, or cause or permit to be inserted, in any copy of any register directed or required by law to be transmitted to any registrar or other officer, any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent purpose take from its place of deposit, or conceal, any such copy of any register, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### *As to demanding Property upon forged Instruments.*

38. Whosoever, with intent to defraud, shall demand, receive, or obtain, or cause or procure to be delivered or paid to any person, or endeavour to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, security for money, or other property whatsoever, under, upon, or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### *As to other Matters.*

39. Where by this or by any other act any person is or shall hereafter be made liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such act by any special name or description, and such instrument or writing, however designated, shall be in law a will, testament, codicil, or testamentary writing, or a deed, bond, or writing obligatory, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority, or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, authority, or request for the payment of money, within the true intent and meaning of this act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this act, and punished accordingly.

40. Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this act expressed to be an offence, if any person shall, in England or Ireland, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter, in whatsoever place or country out of England and Ireland, whether under the dominion of her Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in England or Ireland; and if any person shall in England or Ireland forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose), or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond, or writing obligatory, in whatsoever place or country out of England and Ireland, whether under the dominion of her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, authority, request, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language the same respectively, or any part thereof, may be expressed, and whether such bill, note, undertaking, warrant, order, authority, or request be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this act, and shall be punishable thereby in the same manner as if the money had been payable, or had purported to be payable, in England or Ireland.

41. If any person shall commit any offence against this act, or shall commit any offence of forging or altering any matter whatsoever, or of offering, uttering, disposing of, or putting off any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case shall be indictable at common law, or by virtue of any act passed or to be passed, every such offender may be dealt with, indicted, tried, and punished, in any county or place in which he shall be apprehended or be in custody, in the same manner in all respects as if his offence had been actually committed in that county or place; and every accessory before or after the fact to any such offence, if the same be a felony, and every person aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanour, may be dealt with, indicted, tried, and punished, in any county or place in which he shall be apprehended or be in custody, in the same manner in all respects as if his offence, and the offence of his principal, had been actually committed in such county or place.

42. In any indictment for forging, altering, offering, uttering, disposing, or putting off any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same, or the value thereof.

43. In any indictment for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

44. It shall be sufficient, in any indictment for forging, altering, uttering, offering, disposing of, or putting off any instrument whatsoever, where it shall be necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

45. Where the having any matter in the custody or possession of any person is in this act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in the actual custody or possession of any other person, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this act.

46. If it shall be made to appear, by information on oath or affirmation before a justice of the peace, that there is reasonable cause to believe that any person has in his custody or possession, without lawful authority or excuse, any note or bill of the Governor and Company of the Bank of England or Ireland, or of any body corporate, company, or person carrying on the business of bankers, or any frame, mould, or implement for making paper in imitation of the paper used for such notes or bills, or any such paper, or any plate, wood, stone, or other material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any such note or bill, or any part thereof, or any tool, implement, or material used or employed, or intended to be used or employed, in or about any of the operations aforesaid, or any forged security, document, or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper, or other matter or thing used or employed, or intended to be used or employed, in the forgery of any security, document, or instrument whatsoever, such justice may, if he think fit, grant a warrant to search for the same; and if the same shall be found upon such search, it shall be lawful to seize and carry the same before some justice of the county or place, to be by him disposed of according to law; and all such matters and things so seized as aforesaid shall, by order of the court where any such offender shall be tried, or in case there shall be no such trial, then by order of some justice of the peace, be defaced and destroyed, or otherwise disposed of, as such court or justice shall direct.

47. Whosoever shall, after the commencement of this act, be convicted of any offence which shall have been subjected by any act or acts to the same pains and penalties as are imposed by the act passed in the 5 Eliz. [c. 14], intituled "An Act against Forgers of false Deeds and Writings," for any of the offences first enumerated in the said act, shall be guilty of felony, and shall, in lieu of such pains and penalties, be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

48. Where by any act now in force any person falsely making, forging, counterfeiting, erasing, or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any person demanding or endeavouring to receive or have anything, or to do or cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to have been falsely made, forged, counterfeited, erased, or altered, would, according to the provisions contained in any such act, be guilty of felony, and would, before the passing of the act of the 1 Will. 4, c. 66, have been liable to suffer death as a felon; or where by any act now in force any person falsely personating another, or falsely acknowledging anything in the name of another, or falsely representing any other person than the real party to be such real party, or wilfully making a false entry in any

book, account, or document, or in any manner wilfully falsifying any part of any book, account, or document, or wilfully making a transfer of any stock, annuity, or fund in the name of any person not being the owner thereof, or knowingly taking any false oath, or knowingly making any false affidavit or false affirmation, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate shall have been obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation, would, according to the provisions contained in any such act, be guilty of felony, and would, before the passing of the said act of the 1 Will. 4, have been liable to suffer death as a felon; or where by any act now in force any person making or using, or knowingly having in his custody or possession, any frame, mould, or instrument for the making of paper, with certain words visible in the substance thereof, or any person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the provisions contained in any such act, be guilty of felony, and would, before the passing of the said act of the 1 Will. 4, have been liable to suffer death as a felon; then, and in each of the several cases aforesaid, if any person shall, after the commencement of this act, be convicted of any such felony as is hereinbefore in this section mentioned, or of aiding, abetting, counselling, or procuring the commission thereof, and the same shall not be punishable under any of the other provisions of this act, every such person shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

49. In the case of every felony punishable under this act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this act punishable; and every accessory after the fact to any felony punishable under this act shall on conviction be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this act shall be liable to be proceeded against, indicted, and punished as a principal offender.

50. All indictable offences mentioned in this act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed on "the high seas:" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

51. Whenever any person shall be convicted of a misdemeanour under this act it shall be lawful for the court, if it shall think fit, in addition to or in lieu of any of the punishments by this act authorised, to fine the offender, and to require him to enter into his own recognisances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in all cases of felonies in this act mentioned it shall be lawful for the court, if it shall think fit, to require the offender to enter into his own recognisances, and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this act authorised: provided that no person shall be imprisoned under this clause, for not finding sureties, for any period exceeding one year.

52. Whenever imprisonment, with or without hard labour, may be awarded for any offence under this act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

53. Whenever solitary confinement may be awarded for

any offence under this act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

54. The court before which any indictable misdemeanour against this act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

55. Nothing in this act contained shall extend to Scotland, except as otherwise hereinbefore expressly provided.

56. This act shall commence and take effect on the 1st November, 1861.

#### CAP. XCIX.

An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.

[6th August, 1861.]

- Sect. 1. Interpretation of terms: "current gold and silver coin;" "copper coin;" "false or counterfeit coin;" "current coin." What shall be possession.*
2. *Counterfeiting the gold or silver coin.*
  3. *Colouring counterfeit coin or any pieces of metal with intent to make them pass for gold or silver coin. Colouring or altering genuine coin with intent to make it pass for a higher coin.*
  4. *Impairing the gold or silver coin with intent, &c.*
  5. *Unlawful possession of filings or clippings of gold or silver coin.*
  6. *Buying or selling, &c. counterfeit gold or silver coin for lower value than its denomination.*
  7. *Importing counterfeit coin from beyond seas.*
  8. *Exporting counterfeit coin.*
  9. *Uttering counterfeit gold or silver coin.*
  10. *Uttering accompanied by possession of other counterfeit coin, or followed by a second uttering.*
  11. *Having three or more pieces of counterfeit gold or silver coin in possession, &c. with intent, &c.*
  12. *Every second offence of uttering, &c., after a previous conviction, shall be felony.*
  13. *Uttering foreign coin, medals, &c. as current coin, with intent to defraud.*
  14. *Counterfeiting, &c. copper coin.*
  15. *Uttering base copper coin.*
  16. *Defacing the coin by stamping words thereon.*
  17. *Tender of coin so defaced not to be a legal tender, and penalty for uttering the same.*
  18. *Counterfeiting foreign gold and silver coin.*
  19. *Bringing such counterfeit coin into the United Kingdom.*
  20. *Penalty for uttering such counterfeit coin.*
  21. *Second offence of uttering counterfeit foreign coin. Third offence.*
  22. *Persons counterfeiting foreign coin other than gold and silver coin.*
  23. *Penalty on persons having more than five pieces of such counterfeit foreign coin in their possession.*
  24. *Making, mending, or having possession of any coining tools, felony.*
  25. *Conveying tools or monies out of the Mint, without authority, felony.*
  26. *Coin suspected to be diminished, or counterfeit, may be cut by any person to whom it is tendered; who shall bear the loss.*
  27. *Provision for the discovery and seizure of counterfeit coin and coining tools, for securing them as evidence, and for ultimately disposing of them.*
  28. *Venue.*
  29. *What shall be sufficient proof of coin being counterfeit.*
  30. *Where the counterfeiting coin shall be complete.*
  31. *Any person may apprehend any person committing any indictable offence against this act.*
  32. *No certiorari, &c.*
  33. *Venue in proceedings against persons acting under this act. Notice of action. General issue. Tender of amends, &c.*

34. *Trial of offences in Scotland.*

35. *Punishment of principal in the second degree, and accessories.*

36. *Offences committed within the jurisdiction of the Admiralty.*

37. *What shall be sufficient evidence of conviction for a previous offence. When the previous conviction is to be proved on the trial.*

38. *Fine and sureties for keeping the peace, in what cases.*

39. *Hard labour.*

40. *Solitary confinement.*

41. *Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93. Except in London and the metropolitan police district.*

42. *Costs of prosecutions.*

43. *Commencement of act.*

Whereas it is expedient to consolidate and amend the statute law of the United Kingdom against offences relating to the coin: be it therefore enacted &c. as follows:—

*Sect. 1. In the interpretation of and for the purposes of this act, the expression "the Queen's current gold or silver coin" shall include any gold or silver coin coined in any of her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of her Majesty's dominions, whether within the United Kingdom or otherwise; and the expression "the Queen's copper coin" shall include any copper coin and any coin of bronze or mixed metal coined in any of her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of her Majesty's said dominions; and the expression "false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin" shall include any of the current coin which shall have been gilt, silvered, washed, coloured, or case over, or in any manner altered, so as to resemble or be apparently intended to resemble or pass for any of the Queen's current coin of a higher denomination; and the expression "the Queen's current coin" shall include any coin coined in any of her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of her Majesty's said dominions, and whether made of gold, silver, copper, bronze, or mixed metal; and where the having any matter in the custody or possession of any person is mentioned in this act, it shall include, not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit or for that of any other person.*

2. *Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.*

3. *Whosoever shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, wash, case over, or colour any coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, wash, case over, or colour any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into false and counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin; or shall gild, or shall, with any wash or materials capable of producing the colour or appearance of gold, or by any means whatsoever, wash, case over, or colour any of the Queen's*

current silver coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any of the Queen's current gold coin; or shall gild or silver, or shall, with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, wash, case over, or colour any of the Queen's current copper coin, or file or in any manner alter such coin, with intent to make the same resemble or pass for any of the Queen's current gold or silver coin, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

4. Whosoever shall impair, diminish, or lighten any of the Queen's current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for the Queen's current gold or silver coin, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

5. Whosoever shall unlawfully have in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by impairing, diminishing, or lightening any of the Queen's current gold or silver coin, knowing the same to have been so produced or obtained, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

6. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin at or for a lower rate or value than the same imports or was apparently intended to import, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence as in this section aforesaid it shall be sufficient to allege: that the party accused did buy, sell, receive, pay, or put off, or did offer to buy, sell, receive, pay, or put off, the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to import, without alleging at or for what rate, price, or value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

7. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall import or receive into the United Kingdom, from beyond the seas, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

8. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall export, or put on board any ship, vessel, or boat for the purpose of being exported from the United Kingdom, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any of the Queen's current coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be

guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

9. Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

10. Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, and shall, at the time of such tendering, uttering, or putting off, have in his custody or possession, besides the false or counterfeit coin so tendered, uttered, or put off, any other piece of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, or shall, either on the day of such tendering, uttering, or putting off, or within the space of ten days then next ensuing, tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

11. Whosoever shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same or any of them, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

12. Whosoever, having been convicted, either before or after the passing of this act, of any such misdemeanour or crime and offence as in any of the last three preceding sections mentioned, or of any felony or high crime and offence against this or any former act relating to the coin, shall afterwards commit any of the misdemeanours or crimes and offences in any of the said sections mentioned, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. Whosoever shall, with intent to defraud, tender, utter, or put off, as or for any of the Queen's current gold or silver coin, any coin not being such current gold or silver coin, or any medal or piece of metal or mixed metals resembling in size, figure, and colour the current coin as or for which the same shall be so tendered, uttered, or put off, such coin, medal, or piece of metal or mixed metals so tendered, uttered, or put off being of less value than the current coin as or for which the same shall be so tendered, uttered, or put off, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

14. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin; and whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in

his custody or possession, any instrument, tool, or engine adapted and intended for the counterfeiting any of the Queen's current copper coin; or shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, at or for a lower rate or value than the same imports or was apparently intended to import, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

15. Whosoever shall tender, utter, or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, knowing the same to be false or counterfeit, or shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin, knowing the same to be false or counterfeit, and with intent to utter or put off the same or any of them, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

16. Whosoever shall deface any of the Queen's current gold, silver, or copper coin, by stamping thereon any names or words, whether such coin shall or shall not be thereby diminished or lightened, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour.

17. No tender of payment in money made in any gold, silver, or copper coin so defaced by stamping as in the last preceding section mentioned shall be allowed to be a legal tender; and whosoever shall tender, utter, or put off any coin so defaced shall, on conviction thereof before two justices, be liable to forfeit and pay any sum not exceeding 40s.: provided, that it shall not be lawful for any person to proceed for any such last-mentioned penalty without the consent, in England or Ireland, of her Majesty's Attorney-General for England or Ireland respectively, or in Scotland of the Lord Advocate.

18. Whosoever shall make or counterfeit any kind of coin, not being the Queen's current gold or silver coin, but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall bring or receive into the United Kingdom any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

20. Whosoever shall tender, utter, or put off any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding six months, with or without hard labour.

21. Whosoever, having been so convicted as in the last preceding section mentioned, shall afterwards commit the like offence of tendering, uttering, or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and whosoever, having been so convicted of a second offence, shall afterwards commit the like offence of tendering, uttering, or putting off any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

22. Whosoever shall falsely make or counterfeit any kind of coin, not being the Queen's current coin, but resembling or apparently intended to resemble or pass for any copper coin, or any other coin made of any metal or mixed metals of less value than the silver coin of any foreign prince, state, or country, shall, in England and Ireland, be guilty of a misdemeanour, and in Scotland of a crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, for the first offence, to be imprisoned for any term not exceeding one year, and for the second offence, to be kept in penal servitude for any term not exceeding seven years; and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

23. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall have in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, or any such copper or other coin as in the last preceding section mentioned, shall, on conviction thereof before any justice of the peace, forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such justice, and shall for every such offence forfeit and pay any sum of money not exceeding 40s. nor less than 10s. for every such piece of false and counterfeit coin which shall be found in the custody or possession of such person, one moiety to the informer, and the other moiety to the poor of the parish where such offence shall be committed; and in case any such penalty shall not be forthwith paid, it shall be lawful for any such justice to commit the person who shall have been adjudged to pay the same to the common gaol or house of correction, there to be kept to hard labour for the space of three months, or until such penalty shall be paid.

24. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his custody or possession, any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any of the Queen's current gold or silver coin, or of any coin of any foreign prince, state, or country, or any part or parts of both or either of such sides; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession, any edger, edging or other tool, collar, instrument, or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver, or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used, or to be in-



tended to be used, for or in order to the false making or counterfeiting of any such coin as in this section aforesaid, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

25. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall knowingly convey out of any of her Majesty's mints any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging or other tool, collar, instrument, press, or engine used or employed in or about the coining of coin, or any useful part of any of the several matters aforesaid, or any coin, bullion, metal, or mixture of metals, shall, in England and Ireland, be guilty of felony, and in Scotland of a high crime and offence, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

26. Where any coin shall be tendered as the Queen's current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin, and if any coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight, and shall appear to be lawful coin, the person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the rate it was coined for; and if any dispute shall arise whether the coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any justice of the peace, who is hereby empowered to examine upon oath as well the parties as any other person, in order to the decision of such dispute; and the tellers at the receipt of her Majesty's Exchequer, and their deputies and clerks, and the receivers-general of every branch of her Majesty's revenue, are hereby required to cut, break, or deface, or cause to be cut, broken, or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of her Majesty's revenue.

27. If any person shall find or discover in any place whatever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any of the Queen's current gold, silver, or copper coin, or any coin of any foreign prince, state, or country, or any instrument, tool, or engine whatsoever adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any of the Queen's current gold or silver coin, it shall be lawful for the person so finding or discovering, and he is hereby required to seize the same, and to carry the same forthwith before some justice of the peace; and where it shall be proved, on the oath of a credible witness before any justice of the peace, that there is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current gold, silver, or copper coin, or any such foreign or other coin as in this act before mentioned, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool, or engine whatsoever adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, it shall be lawful for any justice of the peace, by warrant under his hand, to cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings, clippings, or bullion,

or any such gold or silver in dust, solution, or otherwise as aforesaid, shall be found in any place so searched, to cause the same to be seized and carried forthwith before some justice of the peace; and whosoever any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise as aforesaid, shall in any case whatsoever be seized and carried before a justice of the peace, he shall, if necessary, cause the same to be secured, for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this act; and all such false and counterfeit coin, and all instruments, tools, and engines adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings, and bullion, and all such gold and silver in dust, solution, or otherwise as aforesaid, after they shall have been produced in evidence, or when they shall have been seized, and shall not be required to be produced in evidence, shall forthwith be delivered up to the officers of her Majesty's mint, or to the solicitors of her Majesty's treasury, or to any person authorised by them to receive the same.

28. Where any person shall tender, utter, or put off any false or counterfeit coin in one county or jurisdiction, and shall also tender, utter, or put off any other false or counterfeit coin in any other county or jurisdiction, either on the day of such first-mentioned tendering, uttering, or putting off, or within the space of ten days next ensuing, or where two or more persons, acting in concert in different counties or jurisdictions, shall commit any offence against this act, every such offender may be dealt with, indicted, tried, and punished, and the offence laid and charged to have been committed, in any one of the said counties or jurisdictions, in the same manner in all respects as if the offence had been actually and wholly committed within such one county or jurisdiction.

29. Where, upon the trial of any person charged with any offence against this act, it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer, or other officer of her Majesty's mint, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

30. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit coin, against the provisions of this act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, uttered, or put off, shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

31. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable offence, or any high crime and offence, or crime and offence, against this act, and to convey or deliver him to some peace officer, constable, or officer of police, in order to his being conveyed as soon as reasonably may be before a justice of the peace or some other proper officer, to be dealt with according to law.

32. No conviction for any offence punishable on summary conviction under this act shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

33. All actions and prosecutions to be commenced against any person for anything done in pursuance of this act shall, in England or Ireland, be laid and tried in the county where the fact was committed, and shall, in England, Ireland, or Scotland, be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant or defender one month at least before the commencement of the action; and in any such action brought in England or Ireland the defendant may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and in Scotland the defender



may insist on all relevant defences; and no plaintiff or pursuer shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant or defender; and if in England or Ireland a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, or if, in Scotland, the verdict shall be for the defender, or if the pursuer shall abandon the action, or the court shall dismiss it as irrelevant or improperly laid, in every such case the defendant or defender shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant or defender has by law in other cases; and though a verdict shall be given for the plaintiff or pursuer in any such action, such plaintiff or pursuer shall not have costs against the defendant or defender, unless the judge before whom the trial shall be shall certify his approbation of the action.

34. All high crimes and offences, and crimes and offences against this act which may be committed in Scotland, shall be proceeded against and tried according to the rules and procedure of the criminal law of Scotland; and all proceedings by this act made competent before any justice or justices, and all and every the powers and authorities by this act given to or conferred upon any such justice or justices, shall, in Scotland, be competent before, and may be exercised by, any sheriff, magistrate, or justice of the peace.

35. In the case of every felony punishable under the act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this act punishable; and every accessory after the fact to any felony punishable under this act shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

36. All indictable offences mentioned in this act, which shall be committed within the jurisdiction of the Admiralty of England or Ireland, shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if the same had been actually committed in that county or place, and in any indictment for any such offence, or for being accessory to any such offence, the venue in the margin shall be the same as if such offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas;" and where any of the crimes and offences, or high crimes and offences, mentioned in this act, shall be committed at sea, and the vessel in which the same shall be committed shall be registered in Scotland, or touch at any part thereof, the courts of criminal law of Scotland may inquire, try, and determine the same in the same manner as if such crime and offence, or high crime and offence, had been committed in Scotland: provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

37. Where any person shall have been convicted of any offence against this act, or any former act relating to the coin, and shall afterwards be indicted for any offence against this act committed subsequent to such conviction, it shall be sufficient in any such indictment, after charging such subsequent offence, to state the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence, purporting to be signed by the clerk of the court or other officer having or purporting to have the custody of the records of the court where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the previous conviction, without proof of the signature or official character or authority of the person appearing to have signed the same, or of his custody or right to the custody of the records of the court; and for every such certificate a fee of 6s. 8d., and no more, shall be demanded or taken; and the proceedings upon any indictment for committing any offence after a

previous conviction or convictions shall be as follows; that is to say, the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence; and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted, as alleged in the indictment; and if he answer that he had been so previously convicted, the court may proceed to sentence him accordingly; but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions; and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: provided that if, upon the trial of any person for any such subsequent offence, such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

38. Whenever any person shall be convicted of any indictable misdemeanour punishable under this act, the court may, if it shall think fit, in addition to or in lieu of any of the punishments by this act authorised, fine the offender, and require him to enter into his own recognisances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this act, the court may, if it shall think fit, require the offender to enter into his own recognisances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this act authorised: provided that no person shall be imprisoned under this clause, for not finding sureties, for any period exceeding one year.

39. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

40. Whenever solitary confinement may be awarded for any offence under this act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

41. Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the act of the session holden in the 11 & 12 Vict. c. 43, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the act of the session holden in the 14 & 15 Vict. c. 93, or in such other manner as may be directed by any act that may be passed for like purposes; and all provisions contained in the said acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this act: provided that nothing in this act contained shall in any manner alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the metropolitan police district, or the recovery or application of any penalty or forfeiture for any such offence.

42. In all prosecutions for any offence against this act in England which shall be conducted under the direction of the solicitors of her Majesty's Treasury, the court before which such offence shall be prosecuted or tried shall allow the expenses of the prosecution in all respects as in cases of felony; and in all prosecutions for any such offence in England which shall not be so conducted, it shall be lawful for such court, in case a conviction shall take place, but not otherwise, to allow the expenses of the prosecution in like manner; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

43. This act shall commence and take effect on the 1st November, 1861.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.

[8th August, 1861.]

Sect. 1. *Murder.*

2. *Sentence for murder.*
3. *Body to be buried in prison.*
4. *Conspiring or soliciting to commit murder.*
5. *Manslaughter.*
6. *Indictment for murder or manslaughter.*
7. *Excusable homicide.*
8. *Petit treason.*
9. *Murder or manslaughter abroad.*
10. *Provision for the trial of murder and manslaughter where the death or cause of death only happens in England or Ireland.*
11. *Administering poison, or wounding, with intent to murder.*
12. *Destroying or damaging a building with gunpowder, with intent to murder.*
13. *Setting fire to or casting away a ship, with intent to murder.*
14. *Attempting to administer poison, or shooting or attempting to shoot, or attempting to drown, &c., with intent to murder.*
15. *By any other means attempting to commit murder.*
16. *Sending letters threatening to murder.*
17. *Impeding a person endeavouring to save himself from shipwreck.*
18. *Shooting or attempting to shoot, or wounding, with intent to do grievous bodily harm.*
19. *What shall constitute loaded arms.*
20. *Inflicting bodily injury, with or without weapon.*
21. *Attempting to choke, &c., in order to commit any indictable offence.*
22. *Using chloroform, &c. to commit any indictable offence.*
23. *Maliciously administering poison, &c., so as to endanger life or inflict grievous bodily harm.*
24. *Maliciously administering poison, &c., with intent to injure, aggrieve, or annoy any other person.*
25. *If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanour, they may find him guilty accordingly.*
26. *Not providing apprentices or servants with food, &c., whereby life endangered.*
27. *Exposing children, whereby life endangered.*
28. *Causing bodily injury by gunpowder.*
29. *Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm.*
30. *Placing gunpowder near a building, with intent to do bodily injury to any person.*
31. *Setting spring guns, &c., with intent to inflict grievous bodily harm.*
32. *Placing wood, &c. on a railway, with intent to endanger passengers.*
33. *Casting stone, &c. upon a railway carriage, with intent to endanger the safety of any person therein.*
34. *Doing or omitting anything to endanger passengers by railway.*
35. *Drivers of carriages injuring persons by furious driving.*
36. *Obstructing or assaulting a clergyman or other minister in the discharge of his duties.*
37. *Assaulting a magistrate, &c. on account of his preserving wreck.*
38. *Assault with intent to commit felony, or on peace officers, &c.*
39. *Assaults with intent to obstruct the sale of grain, or its free passage.*
40. *Assaults on seamen, &c.*
41. *Assaults arising from combination.*
42. *Persons committing any common assault or battery may be imprisoned, or compelled by two magistrates to pay fine and costs, not exceeding 5l.*
43. *Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.*

44. *If the magistrates dismiss the complaint, they shall make out a certificate to that effect.*
45. *Certificate or conviction shall be a bar to any other proceedings.*
46. *These provisions not to apply to certain cases.*
47. *Assault occasioning bodily harm. Common assault.*
48. *Rape.*
49. *Procuring the defilement of a girl under age.*
50. *Carnally knowing a girl under ten years of age.*
51. *Carnally knowing a girl between the ages of ten and twelve.*
52. *Attempt to commit the last two offences.*
53. *Abduction of a woman against her will, from motives of lucre. Fraudulent abduction of a girl under age against the will of her father, &c. Offender incapable of taking any of her property.*
54. *Forcible abduction of any woman with intent to marry her.*
55. *Abduction of a girl under sixteen years of age.*
56. *Child stealing.*
57. *Bigamy. Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, &c.*
58. *Administering drugs or using instruments to procure abortion.*
59. *Procuring drugs, &c. to cause abortion.*
60. *Concealing the birth of a child.*
61. *Sodomy and bestiality.*
62. *Attempt to commit an infamous crime.*
63. *Carnal knowledge defined.*
64. *Making or having gunpowder, &c. with intent to commit any felony against this act.*
65. *Justices may issue warrants for searching houses, &c. in which explosive substances are suspected to be made for the purpose of committing felonies against this act. Stat. 23 & 24 Vict. c. 130.*
66. *A person loitering at night, and suspected of any felony against this act, may be apprehended.*
67. *Punishment of principals in the second degree and accessories.*
68. *Offences committed within the jurisdiction of the Admiralty.*
69. *Hard labour in gaol or house of correction.*
70. *Solitary confinement and whipping.*
71. *Fine and surties for keeping the peace, in what cases.*
72. *No certiorari, &c.*
73. *Guardians and overseers may be required to prosecute in certain cases of offences against this act. Costs of prosecution. Clerks of guardians may be bound over to prosecute.*
74. *On a conviction for assault the court may order payment of the prosecutor's costs by the defendant.*
75. *Such costs may be levied by distress.*
76. *Summary proceedings in England may be under the 11 & 12 Vict. c. 43, and in Ireland under the 14 & 15 Vict. c. 93, except in London and the metropolitan police district.*
77. *The costs of the prosecution of misdemeanours against this act may be allowed.*
78. *Act not to extend to Scotland.*
79. *Commencement of act.*

Whereas it is expedient to consolidate and amend the statute law of England and Ireland relating to offences against the person: be it enacted &c. as follows:—

*Homicide.*

Sect. 1. Whosoever shall be convicted of murder shall suffer death as a felon.

2. Upon every conviction for murder the court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof may be had and taken, in the same manner in all respects as sentences of death might have been pronounced and carried into execution, and all other proceedings thereupon and in respect thereof, might have been had and taken, before the passing of this act, upon a conviction for any other felony for which the prisoner might have been sentenced to suffer death as a felon.

3. The body of every person executed for murder shall be buried within the precincts of the prison in which he shall

have been last confined after conviction, and the sentence of the court shall so direct.

4. All persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of her Majesty or not, and whether he be within the Queen's dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person to murder any other person, whether he be a subject of her Majesty or not, and whether he be within the Queen's dominions or not, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not more than ten and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

5. Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, or to pay such fine as the court shall award, in addition to or without any such other discretionary punishment as aforesaid.

6. In any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient in any indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner hereinbefore specified, and then to charge the defendant as an accessory in the manner heretofore used and accustomed.

7. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without felony.

8. Every offence which before the commencement of the act 9 Geo. 4, c. 31, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or as accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in murder.

9. Where any murder or manslaughter shall be committed on land out of the United Kingdom, whether within the Queen's dominions or without, and whether the person killed were a subject of her Majesty or not, every offence committed by any subject of her Majesty in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in any county or place in England or Ireland in which such person shall be apprehended or be in custody, in the same manner in all respects as if such offence had been actually committed in that county or place: provided that nothing herein contained shall prevent any person from being tried in any place out of England or Ireland for any murder or manslaughter committed out of England or Ireland, in the same manner as such person might have been tried before the passing of this act.

10. Where any person, being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of England or Ireland, shall die of such stroke, poisoning, or hurt in England or Ireland, or, being feloniously stricken, poisoned, or otherwise hurt at any place in England or Ireland, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of England or Ireland, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in the county or place in England or Ireland in which such death, stroke, poisoning, or hurt shall happen, in the same manner in all respects as if such offence had been wholly committed in that county or place.

#### *Attempts to murder.*

11. Whosoever shall administer to, or cause to be administered to, or to be taken by any person, any poison or other de-

structive thing, or shall by any means whatsoever wound or cause any grievous bodily harm to any person, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

12. Whosoever, by the explosion of gunpowder or other explosive substance, shall destroy or damage any building with intent to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

13. Whosoever shall set fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy any ship or vessel, with intent in any of such cases to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

14. Whosoever shall attempt to administer to, or shall attempt to cause to be administered to, or to be taken by any person, any poison or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent, in any of the cases aforesaid, to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

15. Whosoever shall, by any means other than those specified in any of the preceding sections of this act, attempt to commit murder, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

#### *Letters threatening to murder.*

16. Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

#### *Acts causing or tending to cause Danger to Life or bodily Harm.*

17. Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

18. Whosoever shall unlawfully and maliciously, by any means whatsoever, wound or cause any grievous bodily harm to any person, or shoot at any person, or, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, with intent, in any of the cases

aforesaid, to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

19. Any gun, pistol, or other arms which shall be loaded in the barrel with gunpowder or any other explosive substance, and ball, shot, slug, or other destructive material, shall be deemed to be loaded arms within the meaning of this act, although the attempt to discharge the same may fall from want of proper priming, or from any other cause.

20. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

21. Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall, by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

22. Whosoever shall unlawfully apply or administer to, or cause to be taken by, or attempt to apply or administer to, or attempt to cause to be administered to or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any other term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

23. Whosoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by, any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

24. Whosoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by, any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

25. If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanour in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanour, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanour.

26. Whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant, so that the life of such ap-

prentice or servant shall be endangered, or the health of such apprentice or servant shall have been, or shall be likely to be, permanently injured, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

27. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

28. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

29. Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

30. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

31. Whosoever shall set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall knowingly and wilfully permit any such spring gun, man trap, or other engine, which may have been set or placed in any place then being in, or afterwards coming into, his possession or occupation, by some other person, to continue so set or placed, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid: provided that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin: provided also, that nothing in this section shall be deemed to make it unlawful to set or place, or cause to be set or placed, or to be continued set or placed, from sunset to sunrise, any spring gun, man trap, or other engine which shall be set or placed, or caused or continued to be set or placed, in a dwelling-house for the protection thereof.

32. Whosoever shall unlawfully and maliciously put or

throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall unlawfully and maliciously make or shew, hide or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

33. Whosoever shall unlawfully and maliciously throw or cause to fall or strike at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first-mentioned engine, tender, carriage, or truck shall form part, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

34. Whosoever, by any unlawful act, or by any wilful omission or neglect, shall endanger or cause to be endangered the safety of any person conveyed or being in or upon a railway, or shall aid or assist therein, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

35. Whosoever, having the charge of any carriage or vehicle, shall, by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

#### *Assaults.*

36. Whosoever shall, by threats or force, obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service, or otherwise officiating in any church, chapel, meeting-house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial-place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same, or returning from the performance thereof, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

37. Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorised, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

38. Whosoever shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any peace officer in the due execution of his duty, or any person acting in aid of such officer, or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanour, and, being convicted

thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

39. Whosoever shall beat or use any violence or threat of violence to any person, with intent to deter or hinder him from buying, selling, or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any wheat or other grain, flour, meal, malt, or potatoes, in any market or other place, or shall beat or use any such violence or threat to any person having the care or charge of any wheat or other grain, flour, meal, malt, or potatoes, whilst on the way to or from any city, market town, or other place, with intent to stop the conveyance of the same, shall, on conviction thereof before two justices of the peace, be liable to be imprisoned and kept to hard labour in the common gaol or house of correction for any term not exceeding three months: provided that no person who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

40. Whosoever shall unlawfully and with force hinder or prevent any seaman, keelman, or caster from working at or exercising his lawful trade, business, or occupation, or shall beat or use any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall, on conviction thereof before two justices of the peace, be liable to be imprisoned and kept to hard labour in the common gaol or house of correction for any term not exceeding three months: provided that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever.

41. Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed therein, shall unlawfully assault any person, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

42. Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the justices, either be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of 5*l.*; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for any term not exceeding two months, unless such fine and costs be sooner paid.

43. When any person shall be charged before two justices of the peace with an assault or battery upon any male child whose age shall not in the opinion of such justices exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said justices, if the assault or battery is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and, if the same be proved, may convict the person accused; and every such offender shall be liable to be imprisoned in the common gaol or house of correction, with or without hard labour, for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of 20*l.*, and in default of payment to be imprisoned in the common gaol or house of correction for any period not exceeding six months, unless such fine and costs be sooner paid, and, if the justices shall so think fit, in any of the said cases, shall be bound to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

44. If the justices, upon the hearing of any such case of assault or battery upon the merits, where the complaint was

preferred by or on behalf of the party aggrieved, under either of the last two preceding sections, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate under their hands stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

45. If any person, against whom any such complaint as in either of the last three preceding sections mentioned shall have been preferred by or on the behalf of the party aggrieved, shall have obtained such certificate, or, having been convicted, shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

46. Provided, that in case the justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if they had no authority finally to hear and determine the same: provided also, that nothing herein contained shall authorise any justices to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any court of justice.

47. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding one year, with or without hard labour.

#### *Rape, Abduction, and Defilement of Women.*

48. Whosoever shall be convicted of the crime of rape shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

49. Whosoever shall, by false pretences, false representations, or other fraudulent means, procure any woman or girl under the age of twenty-one years to have illicit carnal connexion with any man, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

50. Whosoever shall unlawfully and carnally know and abuse any girl under the age of ten years shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

51. Whosoever shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

52. Whosoever shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

53. Where any woman of any age shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be a presumptive heiress or co-heiress, or presumptive next of kin, or one of the presumptive next of kin, to any one having such interest, whosoever shall, from motives of lucre, take away or detain such woman against her will, with in-

tent to marry or carnally know her, or to cause her to be married or carnally known by any other person; and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she shall have any such interest, or which shall come to her as such heiress, co-heiress, or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction, be settled in such manner as the Court of Chancery in England or Ireland shall, upon any information at the suit of the Attorney-General, appoint.

54. Whosoever shall by force take away or detain against her will any woman, of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

55. Whosoever shall unlawfully take or cause to be taken any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

#### *Child stealing.*

56. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained, as in this section before mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping: provided that no person who shall have claimed any right to the possession of such child, or shall be the mother or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

#### *Bigamy.*

57. Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour; and any such offence may be dealt with, inquired of, tried, determined, and punished in any county or place in England or Ireland where the offender shall be apprehended or be in custody, in the same manner in all respects as if the offence had been actually committed in that county or place: provided that nothing in this section contained shall extend to any second marriage contracted else-



where than in England and Ireland by any other than a subject of her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

#### *Attempts to procure Abortion.*

58. Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

59. Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

#### *Concealing the Birth of a Child.*

60. If any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour: provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

#### *Unnatural Offences.*

61. Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than ten years.

62. Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding ten years, and not less than three years; or to be imprisoned for any term not exceeding two years, with or without hard labour.

63. Whenever, upon the trial for any offence punishable under this act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

#### *Making Gunpowder to commit Offences, and searching for the same.*

64. Whosoever shall knowingly have in his possession, or make or manufacture any gunpowder, explosive substance, or any dangerous or noxious thing, or any ma-

chine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this act mentioned, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

65. Any justice of the peace of any county or place in which any such gunpowder or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument, or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant under his hand and seal for searching in the daytime any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purposes as hereinbefore mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offence, and the barrels, packages, cases, and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under the warrant of a justice by the act passed in the session holden in the 23 & 24 Vict. c. 139, intituled "An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks."

#### *Other Matters.*

66. Any constable or peace officer may take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed, or being about to commit, any felony in this act mentioned, and shall take such person as soon as reasonably may be before a justice of the peace, to be dealt with according to law.

67. In the case of every felony punishable under this act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this act punishable; and every accessory after the fact to any felony punishable under this act (except murder) shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour; and every accessory after the fact to murder shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever shall counsel, aid, or abet the commission of any indictable misdemeanour punishable under this act shall be liable to be proceeded against, indicted, and punished as a principal offender.

68. All indictable offences mentioned in this act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed "on the high seas:" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

69. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this act, the court may sentence the offender to be imprisoned, or to be



imprisoned and kept to hard labour, in the common gaol or house of correction.

70. Whenever solitary confinement may be awarded for any offence under this act, the court may direct the offender to be kept in solitary confinement for any portion or portions of any imprisonment, or of any imprisonment with hard labour, which the court may award, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any offence under this act, the court may sentence the offender to be once privately whipped, and the number of strokes, and the instrument with which they shall be inflicted, shall be specified by the court in the sentence.

71. Whenever any person shall be convicted of any indictable misdemeanour punishable under this act, the court may, if it shall think fit, in addition to or in lieu of any punishment by this act authorised, fine the offender, and require him to enter into his own recognisances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this act, otherwise than with death, the court may, if it shall think fit, require the offender to enter into his own recognisances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this act authorised: provided that no person shall be imprisoned for not finding sureties, under this clause, for any period exceeding one year.

72. No summary conviction under this act shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

73. Where any complaint shall be made of any offence against sect. 26 of this act, or of any bodily injury inflicted upon any person under the age of sixteen years, for which the party committing it is liable to be indicted, and the circumstances of which offence amount, in point of law, to a felony, or an attempt to commit a felony, or an assault with intent to commit a felony, and two justices of the peace, before whom such complaint is heard, shall certify, under their hands, that it is necessary for the purposes of public justice that the prosecution should be conducted by the guardians of the union or place, or, where there are no guardians, by the overseers of the poor of the place, in which the offence shall be charged to have been committed, such guardians or overseers, as the case may be, upon personal service of such certificate, or a duplicate thereof, upon the clerk of such guardians, or upon any one of such overseers, shall conduct the prosecution, and shall pay the costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any order of any court) out of the common fund of the union, or out of the funds in the hands of the guardians or overseers, as the case may be; and where there is a board of guardians, the clerk or some other officer of the union or place, and where there is no board of guardians, one of the overseers of the poor, may, if such justices think it necessary for the purposes of public justice, be bound over to prosecute.

74. Where any person shall be convicted on any indictment of any assault, whether with or without battery and wounding, or either of them, such person may, if the court think fit, in addition to any sentence which the court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for the loss of time as the court shall by affidavit, or other inquiry and examination, ascertain to be reasonable; and, unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the court shall award, not exceeding three months, in addition to the term of imprisonment, if any, to which the offender may be sentenced for the offence.

75. The court may, by warrant under hand and seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale, shall be paid to the owner; and in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

76. Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner

directed by the act of the session holden in the 11 & 12 Vict. c. 43, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the act of the session holden in the 14 & 15 Vict. c. 93, or in such other manner as may be directed by any act that may be passed for like purposes; and all provisions contained in the said acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this act: provided that nothing in this act contained shall in any manner alter or affect any enactment now in force relating to procedure in the case of any offence punishable on summary conviction within the city of London or the metropolitan police district, or the recovery or application of any penalty or forfeiture for any such offence.

77. The court before which any misdemeanour indictable under the provisions of this act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

78. Nothing in this act contained shall extend to Scotland, except as hereinbefore otherwise expressly provided.

79. This act shall commence and take effect on the 1st November, 1861.

#### CAP. CI.

An Act for promoting the Revision of the Statute Law, by repealing divers Acts and Parts of Acts which have ceased to be in force. [6th August, 1861.]

Sect. 1. *Acts or parts of acts specified in the schedule repealed.*  
2. *Short title.*

Whereas, with a view to the revision of the statute law, and particularly to the preparation of an edition of the statutes comprising only enactments which are in force, it is expedient that divers acts and parts of acts which have ceased to be in force otherwise than by express and specific repeal should be expressly and specifically repealed: and whereas the acts mentioned in the schedule to this act have so ceased to be in force to the extent specified in the third column of the said schedule: be it therefore enacted &c. as follows:—

Sect. 1. The acts mentioned in the schedule to this act shall be repealed to the extent specified in the third column of the said schedule\*, except as to any operation already effected by, or act done under, any enactment herein comprised, or as to any right, title, obligation, or liability already acquired or accrued under any such enactment.

2. This act may be cited as "The Statute-law Revision Act, 1861."

#### SCHEDULE.

- 11 Geo. 3, c. 32.—Militia pay.—*The whole repealed.*
- 11 Geo. 3, c. 38.—Greenland and whale fishery.—*The whole repealed.*
- 11 Geo. 3, c. 55.—Borough of New Shoreham parliamentary elections.—*So much of sect. 5 as relates to the time for the proper officer proceeding to election repealed.*
- 12 Geo. 3, c. 29.—Spurn Point lighthouses.—*The whole repealed.*
- 12 Geo. 3, c. 30.—Salaries of justices of Chester and great sessions in Wales.—*The whole repealed.*
- 12 Geo. 3, c. 46.—Prevention of frauds in excise revenue, tea, soap, low wines, and spirits.—*So much as relates to the manufacture of low wines and spirits, and to treble costs, repealed.*
- 12 Geo. 3, c. 54.—Oak timber for navy, restraint on East India Company.—*The whole repealed.*
- 12 Geo. 3, c. 55.—Trade between Great Britain and Ireland.—*The whole repealed.*
- 12 Geo. 3, c. 58.—Encouragement of herring fishery, Isle of Man.—*The whole repealed.*
- 12 Geo. 3, c. 60.—Drawback on tea exported &c.—*The whole repealed.*
- 12 Geo. 3, c. 67.—Incorporation of the Marine Society.—*So much as relates to stamp duty, to limitation of actions for anything done in pursuance of the act, to pleading of general issue, and to double costs, repealed.*

\* For the purpose of compression the third column is represented by italics.

- 13 Geo. 3, c. 23.—Militia pay.—*The whole repealed.*
- 13 Geo. 3, c. 33.—Preservation of timber trees.—*The whole repealed.*
- 13 Geo. 3, c. 44.—Drawback of customs duty on exportation of tea to America, &c.—*The whole repealed.*
- 13 Geo. 3, c. 51.—Discouragement of frivolous and vexatious suits in the courts at Westminster for cause of action arising in Wales.—*The whole repealed.*
- 13 Geo. 3, c. 56.—Retailing of spirits, and duties on printed calicoes, &c.—*Sect. 5 repealed.*
- 13 Geo. 3, c. 58.—Providing of clergymen for gaols.—*The whole repealed.*
- 13 Geo. 3, c. 62.—Regulation of the assize and making of bread.—*The whole repealed.*
- 13 Geo. 3, c. 67.—Importation of printed or painted paper.—*The whole repealed.*
- 13 Geo. 3, c. 72.—Free importation of cod, &c. caught in the Gulf of St. Lawrence or on the coast of Labrador.—*The whole repealed.*
- 13 Geo. 3, c. 73.—Importation and exportation, Dominica and Jamaica.—*The whole repealed.*
- 13 Geo. 3, c. 74.—Tonnage of vessels and customs duties.—*The whole repealed.*
- 13 Geo. 3, c. 80.—Preservation of game.—*The whole repealed.*
- 13 Geo. 3, c. 81.—Improvement of commons.—*So much as relates to double costs repealed.*
- 13 Geo. 3, c. 82.—Regulation of lying-in hospitals, and settlement of bastard children born in them.—*So much as relates to treble costs repealed.*
- 14 Geo. 3, c. 10.—Exportation of gum Senega.—*The whole repealed.*
- 14 Geo. 3, c. 64.—Ascertaining of the prices of corn.—*The whole repealed.*
- 14 Geo. 3, c. 65.—Forfeited estates (Scotland) management.—*The whole repealed.*
- 14 Geo. 3, c. 70.—Gold recoinage.—*The whole repealed, except sect. 7.*
- 14 Geo. 3, c. 72.—Duty on printed &c. stuffs manufactured in Great Britain.—*The whole repealed, except sect. 2.*
- 14 Geo. 3, c. 73.—Distillation of spirits, and allowance to certain manufacturers of the duties on soap.—*The whole repealed.*
- 14 Geo. 3, c. 74.—Reduction of duties upon the importation of great raisins.—*The whole repealed.*
- 14 Geo. 3, c. 78.—Metropolitan buildings regulation, and prevention of mischiefs by fire.—*So much as relates to the time for notice of actions for anything done in pursuance of the act, and to treble costs, repealed.*
- 14 Geo. 3, c. 79.—Removal of doubts concerning the validity of mortgages, &c. executed in Great Britain, of land, &c. in Ireland and the colonies.—*The whole repealed.*
- 14 Geo. 3, c. 81.—Election of members of Parliament (Scotland).—*The whole repealed.*
- 14 Geo. 3, c. 92.—Regulation of weights used in weighing gold and silver coin.—*So much as relates to salary of officer to be paid by Warden of Mint repealed.*
- 15 Geo. 3, c. 1.—Importation of Indian corn and maize.—*The whole repealed.*
- 15 Geo. 3, c. 10.—Restraint of commerce of provinces of Massachusetts Bay, &c., and colonies of Connecticut, &c.—*The whole repealed.*
- 15 Geo. 3, c. 18.—Restraint of commerce of colonies of New Jersey, &c.—*The whole repealed.*
- 15 Geo. 3, c. 27.—Admeasurement of waggons, &c. used for loading coals on board ships.—*So much as relates to treble costs repealed.*
- 15 Geo. 3, c. 34.—Encouragement of manufacture of rape oil.—*The whole repealed.*
- 15 Geo. 3, c. 36.—Issue of Speaker's warrants for writs for election of members in the place of members dying or becoming peers during the recess.—*The whole repealed.*
- 15 Geo. 3, c. 37.—Importation of painted earthenware.—*The whole repealed.*
- 15 Geo. 3, c. 53.—Copyright in books given to the universities, &c.—*Sect. 6, and so much as relates to plea of general issue, repealed.*
- 16 Geo. 3, c. 5.—Prohibition of trade and intercourse with colonies of New Hampshire, &c.—*The whole repealed.*
- 16 Geo. 3, c. 8.—Importation of salted beef, &c. from Ireland.—*The whole repealed.*
- 16 Geo. 3, c. 37.—Exportation of wheat, &c. to certain colonies in America, &c.—*The whole repealed.*
- 16 Geo. 3, c. 42.—Landing of corn, &c. imported into port of Preston.—*The whole repealed.*
- 17 Geo. 3, c. 7.—Granting of commissions to privateers to make prize of ships, &c.—*The whole repealed.*
- 17 Geo. 3, c. 8.—East India Company, election of directors.—*The whole repealed.*
- 17 Geo. 3, c. 11.—Prevention of frauds and abuses by wool-combers, &c. in Yorkshire, Lancashire, and Cheshire.—*Sects. 17, 18, and 19, and so much as relates to limitation of actions for anything done in pursuance of the act, as to pleading of general issue, and as to treble costs, repealed.*
- 17 Geo. 3, c. 26.—Registering of grants of life annuities.—*The whole repealed.*
- 17 Geo. 3, c. 27.—Allowance of drawback of duties of customs on exportation of tea to Ireland.—*The whole repealed.*
- 17 Geo. 3, c. 33.—Power to master dyers in Middlesex, Essex, Surrey, and Kent to employ journeymen who have not served apprenticeships.—*The whole repealed.*
- 17 Geo. 3, c. 39.—Duties on servants and on glass, and on persons having certain quantities of silver plate.—*The whole repealed.*
- 17 Geo. 3, c. 40.—Carrying of certain captures into his Majesty's dominions in North America.—*The whole repealed.*
- 17 Geo. 3, c. 50.—Duties on auctioneers' licenses, sales by auction, and instruments.—*The whole repealed, except sect. 24.*
- 17 Geo. 3, c. 56.—Prevention of frauds by persons employed in the manufacture of hats, &c.—*Sect. 18, and so much as relates to treble costs, repealed.*
- 17 Geo. 3, c. 57.—Copyright of engravings.—*So much as relates to double costs repealed.*
- 18 Geo. 3, c. 14.—Militia pay, and supply of vacancies in militia.—*The whole repealed.*
- 18 Geo. 3, c. 16.—Exportation of wheat, flour, &c. to Newfoundland, &c.—*The whole repealed.*
- 18 Geo. 3, c. 18.—Forgery of acceptances of bills, &c., with intent to defraud corporations.—*The whole repealed.*
- 18 Geo. 3, c. 24.—Importation of tobacco.—*The whole repealed.*
- 18 Geo. 3, c. 25.—Importation of corn into certain ports.—*The whole repealed.*
- 18 Geo. 3, c. 40.—Customs.—*The whole repealed.*
- 18 Geo. 3, c. 55.—Exportation from Ireland to America, and encouragement of the fisheries, &c. of Ireland.—*The whole repealed.*
- 18 Geo. 3, c. 56.—Importation of cotton yarn, the manufacture of Ireland, duty free.—*The whole repealed.*
- 18 Geo. 3, c. 59.—Militia and fencibles.—*The whole repealed.*
- 19 Geo. 3, c. 21.—Licensing and regulating of lottery-office keepers.—*The whole repealed.*
- 19 Geo. 3, c. 25.—Additional duties upon the produce of customs, and excise duties.—*The whole repealed.*
- 19 Geo. 3, c. 29.—Landing of corn, &c. in the Isle of Wight without payment of duties.—*The whole repealed.*
- 19 Geo. 3, c. 40.—Duties on starch.—*The whole repealed.*
- 19 Geo. 3, c. 41.—Drawback of wine duties on exportation to certain parts.—*The whole repealed.*
- 19 Geo. 3, c. 48.—Encouragement of shipping and navigation.—*The whole repealed.*
- 19 Geo. 3, c. 50.—Prevention of frauds by private distillers.—*The whole repealed.*
- 19 Geo. 3, c. 51.—Duties on horses, &c.—*The whole repealed.*
- 19 Geo. 3, c. 52.—Duty on pilchards.—*The whole repealed.*
- 19 Geo. 3, c. 53.—Duties on exportation of certain cotton wool, discontinuance.—*The whole repealed.*
- 19 Geo. 3, c. 56.—Duties on auctioneers' licenses and on sales by auction.—*The whole repealed.*
- 19 Geo. 3, c. 65.—Augmentation of the salaries of the puisne justices of the King's Bench and Common Pleas, and barons of the Exchequer at Westminster.—*The whole repealed.*
- 19 Geo. 3, c. 66.—Stamp duties.—*The whole repealed.*
- 19 Geo. 3, c. 69.—Prevention of smuggling, &c.—*The whole repealed.*
- 19 Geo. 3, c. 72.—Militia and fencibles.—*The whole repealed.*

- 19 Geo. 3, c. 76.—Augmentation of the militia.—*The whole repealed.*
- 20 Geo. 3, c. 8.—Militia, delivery of certificates of qualification to clerks of the peace.—*The whole repealed.*
- 20 Geo. 3, c. 30.—Additional duties upon wines and vinegar imported.—*The whole repealed.*
- 20 Geo. 3, c. 34.—Additional duties on salt.—*The whole repealed.*
- 20 Geo. 3, c. 35.—Additional duties on malt and upon spirits, &c.—*The whole repealed.*
- 20 Geo. 3, c. 44.—Militia.—*The whole repealed.*
- 20 Geo. 3, c. 51.—Duties on licenses to let horses for hire.—*The whole repealed.*
- 20 Geo. 3, c. 53.—Additional duties on starch and hair powder imported, and on starch and sweets made in Great Britain.—*The whole repealed.*
- 20 Geo. 3, c. 60.—Fisheries in the Greenland Seas and Davis's Straits.—*The whole repealed.*
- 21 Geo. 3, c. 7.—Augmentation of the militia.—*The whole repealed.*
- 21 Geo. 3, c. 17.—Additional duty on the produce of the excise duties.—*The whole repealed.*
- 21 Geo. 3, c. 32.—Encouragement of the manufacture of verdigris.—*The whole repealed.*
- 21 Geo. 3, c. 34.—Admeasurement of coals, Westminster, &c.—*The whole repealed.*
- 21 Geo. 3, c. 51.—Registration by Papists of their names and real estates.—*The whole repealed.*
- 21 Geo. 3, c. 58.—Duty on almanacks.—*The whole repealed.*
- 21 Geo. 3, c. 60.—Agreement with the Bank of England for advancing two millions.—*The whole repealed.*
- 21 Geo. 3, c. 68.—Punishment of stealers of copper, brass, &c. fixed to houses.—*The whole repealed.*
- 21 Geo. 3, c. 69.—Punishment of receivers of stolen pewter.—*The whole repealed.*
- 22 Geo. 3, c. 21.—Customs duties.—*The whole repealed.*
- 22 Geo. 3, c. 28.—Additional duty upon tobacco and snuff, and duties upon importation of brandy and arrack.—*The whole repealed.*
- 22 Geo. 3, c. 31.—Borough of Cricklade, parliamentary elections.—*So much of sect. 5 as relates to the time for the proper officer proceeding to election repealed.*
- 22 Geo. 3, c. 33.—Stamp duty upon bills and notes.—*The whole repealed.*
- 22 Geo. 3, c. 39.—Duties on salt.—*The whole repealed.*
- 22 Geo. 3, c. 49.—Rectifying of a mistake in an act of this session.—*The whole repealed.*
- 22 Geo. 3, c. 58.—Discovery and punishment of buyers and receivers of stolen goods.—*The whole repealed.*
- 22 Geo. 3, c. 61.—Duty upon beeswax imported.—*The whole repealed.*
- 22 Geo. 3, c. 62.—Militia.—*The whole repealed.*
- 22 Geo. 3, c. 64.—Houses of correction.—*The whole repealed.*
- 22 Geo. 3, c. 66.—Additional duties of customs and excise.—*The whole repealed.*
- 22 Geo. 3, c. 68.—Duties on beer and coaches, &c.—*The whole repealed.*
- 22 Geo. 3, c. 11.—Customs, &c. regulations.—*The whole repealed.*
- 22 Geo. 3, c. 49.—Duties on bills of exchange, &c.—*The whole repealed.*
- 22 Geo. 3, c. 58.—Allowance of drawback of customs on exportation of rice.—*The whole repealed.*
- 22 Geo. 3, c. 58.—Stamp duties.—*The whole repealed.*
- 22 Geo. 3, c. 62.—Stamp duty on licenses for vending medicines, &c.—*The whole repealed.*
- 22 Geo. 3, c. 63.—Duty on stage coaches, &c.—*The whole repealed.*
- 22 Geo. 3, c. 65.—African company.—*The whole repealed.*
- 22 Geo. 3, c. 75.—Duties on smalts and tobacco.—*The whole repealed.*
- 22 Geo. 3, c. 76.—Prevention of frauds in landing of wines, &c.—*The whole repealed.*
- 22 Geo. 3, c. 77.—Encouragement of manufacture of flax and cotton.—*The whole repealed.*
- 22 Geo. 3, c. 79.—Encouragement of growth of coffee and cocoa nuts.—*The whole repealed.*
- 22 Geo. 3, c. 82.—Regulation of the receipt of the exchequer.—*The whole repealed.*
- 22 Geo. 3, c. 83.—East India Company: allowance of further time for payment of their debt to the public.—*The whole repealed.*
- 22 Geo. 3, c. 88.—Rogues and vagabonds.—*The whole repealed.*
- 24 Geo. 3, sess. 1, c. 7.—Duties on bills of exchange, &c.—*The whole repealed.*
- 24 Geo. 3, sess. 1, c. 12.—Removal of prisoners and transportation.—*The whole repealed.*
- 24 Geo. 3, sess. 1, c. 13.—Militia pay, &c.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 3.—Prevention of frauds and abuses by persons employed in woolcombing, &c., Suffolk.—*Sects. 19, 20, and 21, and so much as relates to limitation of actions for anything done in pursuance of the act, as to pleading of the general issue, and as to treble costs, repealed.*
- 24 Geo. 3, sess. 2, c. 11.—Additional duties upon candles.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 16.—Customs, &c. duties.—*The whole repealed, except so much as relates to the duties payable to the corporation of London.*
- 24 Geo. 3, sess. 2, c. 30.—Additional duty upon licenses for retailing beer, &c.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 34.—East India Company.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 36.—Duties on wax candles.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 38.—Duties on tea, inhabited houses, and cocoa nuts and coffee.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 40.—Duties on linens, printed, painted, stained, or dyed in Great Britain, &c.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 41.—Duties on licenses to be taken out by the makers of, and dealers in, certain exciseable commodities.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 43.—Duties on certificates for killing game.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 46.—Duties on spirits.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 48.—Duties on starch and soap.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 49.—Duties upon silk imported, and drawbacks upon exportation of silk manufactures.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 51.—Duty on licenses for vending hats, &c.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 53.—Duties on gold and silver plate imported, and on gold and silver wrought plate made in Great Britain.—*Customs duties and stamp duties granted by, repealed.*
- 24 Geo. 3, sess. 2, c. 54.—Gaols.—*The whole repealed.*
- 24 Geo. 3, sess. 2, c. 55.—Houses of correction.—*The whole repealed.*
- 25 Geo. 3, c. 22.—Distillation of spirits in small stills in certain counties in the Highlands.—*Duty granted by, repealed.*
- 25 Geo. 3, c. 40.—Prevention of frauds by woolcombers, &c. in certain counties.—*Sects. 21, 22, and 23, and so much as relates to limitation of actions for anything done in pursuance of the act, as to pleading of general issue, and as to treble costs, repealed.*
- 25 Geo. 3, c. 46.—Transportation, &c.—*The whole repealed.*
- 25 Geo. 3, c. 48.—Duties on pawnbrokers' licenses.—*Duties granted by, repealed.*
- 25 Geo. 3, c. 49.—Duties on coachmakers' licenses, and on carriages built for sale.—*The whole repealed.*
- 25 Geo. 3, c. 50.—Duties on certificates for killing game.—*The whole repealed.*
- 25 Geo. 3, c. 58.—Encouragement of the pilchard fishery.—*The whole repealed.*
- 25 Geo. 3, c. 63.—Salt duties.—*The whole repealed.*
- 25 Geo. 3, c. 65.—Encouragement of the fisheries.—*The whole repealed.*
- 25 Geo. 3, c. 69.—Duties upon oil flasks, &c.—*The whole repealed.*
- 25 Geo. 3, c. 72.—Duties on linens printed &c. in Great Britain, &c.—*The whole repealed.*
- 25 Geo. 3, c. 73.—Allowance to brewers for waste.—*The whole repealed.*

- 25 Geo. 3, c. 74.—Duties on tea: exportation of exciseable commodities, &c.—*Duties granted by, and sects. 16–21 and 25–31, repealed.*
- 25 Geo. 3, c. 80.—Duties on attorneys' certificates, &c.—*Duties granted by, repealed.*
- 26 Geo. 3, c. 25.—Appointment of governor-general and council of Fort William, in Bengal.—*The whole repealed.*
- 26 Geo. 3, c. 36.—Salt duties: importation and exportation, Isle of Man.—*The whole repealed.*
- 26 Geo. 3, c. 38.—Imprisonment under process of small debts courts, &c.—*The whole repealed, except sects. 7 and 8.*
- 26 Geo. 3, c. 40.—Production of manifests, &c.—*The whole repealed, except sects. 18 and 19.*
- 26 Geo. 3, c. 41.—Fisheries in the Greenland Seas and Davis's Straits.—*The whole repealed.*
- 26 Geo. 3, c. 42.—Additional duty upon battens and deals imported.—*The whole repealed.*
- 26 Geo. 3, c. 43.—Salaries of judges (Scotland).—*The whole repealed.*
- 26 Geo. 3, c. 48.—Stamp duties (Scotland).—*Duties granted by, repealed.*
- 26 Geo. 3, c. 49.—Stamp duties on perfumery.—*The whole repealed.*
- 26 Geo. 3, c. 51.—Duties on starch.—*The whole repealed.*
- 26 Geo. 3, c. 59.—Duties on wine.—*Duties granted by, repealed.*
- 26 Geo. 3, c. 64.—Duties on spirits (Scotland).—*Duties granted by, repealed.*
- 26 Geo. 3, c. 73.—Duties on spirits.—*Duties granted by, repealed.*
- 26 Geo. 3, c. 74.—Additional duties on sweets, &c.—*Excise duty granted by, repealed.*
- 26 Geo. 3, c. 77.—Excise duties.—*Sects. 5, 6, 7, and 9 repealed.*
- 26 Geo. 3, c. 82.—Stamp duties, and duties on policies of fire for insurance as to property abroad.—*Sect. 7 repealed.*
- 26 Geo. 3, c. 90.—Salt duties: making of mineral alkali or flux for glass.—*The whole repealed.*
- 26 Geo. 3, c. 91.—Regulation of madhouses.—*The whole repealed.*
- 26 Geo. 3, c. 99.—Ascertaining of fees to be taken by officers of the Exchequer.—*The whole repealed.*
- 27 Geo. 3, c. 19.—Shipping and navigation.—*The whole repealed.*
- 27 Geo. 3, c. 27.—Importation and exportation, West Indies.—*The whole repealed.*
- 27 Geo. 3, c. 29.—Objections to competency of witnesses.—*The whole repealed.*
- 27 Geo. 3, c. 30.—Additional duties on licenses for the retailing of spirituous liquors.—*The whole repealed.*
- 27 Geo. 3, c. 31.—Allowances to dealers in foreign wines for certain wines in stock: amendment of excise laws.—*The whole repealed, except sect. 25.*
- 27 Geo. 3, c. 49.—County palatine of Chester: swearing of affidavits, &c.—*The whole repealed.*
- 28 Geo. 3, c. 27.—Reduction of duties on importation of goods from the United Provinces.—*The whole repealed.*
- 28 Geo. 3, c. 28.—Exemption of stipendiary curates' licenses from stamp duties.—*The whole repealed.*
- 28 Geo. 3, c. 33.—Alteration of duties and drawbacks on certain wine, &c.—*The whole repealed.*
- 28 Geo. 3, c. 34.—Quarantine and customs.—*The whole repealed.*
- 28 Geo. 3, c. 37.—Certain duties of excise and customs.—*The whole repealed, except sect. 15.*
- 28 Geo. 3, c. 38.—Exportation of sheep, &c.—*The whole repealed.*
- 28 Geo. 3, c. 49.—Power for justices to act out of the counties in which they are.—*The whole repealed.*
- 28 Geo. 3, c. 58.—Indemnifying persons against certain penalties incurred in the coal trade, and preventing combinations in the coal trade.—*The whole repealed.*
- 29 Geo. 3, c. 26.—Duty on hawkers, &c.—*The whole repealed.*
- 29 Geo. 3, c. 49.—Duties on horses and carriages.—*The whole repealed.*
- 29 Geo. 3, c. 50.—Additional duties on newspapers, advertisements, cards, and dice.—*The whole repealed.*
- 29 Geo. 3, c. 51.—Additional stamp duties on probate of wills, &c.—*Duties granted by, repealed.*
- 29 Geo. 3, c. 56.—Encouragement of the Newfoundland, Greenland, and Southern whale fisheries.—*The whole repealed.*
- 29 Geo. 3, c. 59.—Drawback on exportation of teas to Guernsey, &c.—*The whole repealed.*
- 29 Geo. 3, c. 69.—Exemption of piece goods woven in this kingdom from auction duty. Licenses for selling spirituous liquors, &c.—*Sects. 1, 2, 3, and 4 repealed.*
- 29 Geo. 3, c. 67.—Regulation of gaols.—*The whole repealed.*
- 30 Geo. 3, c. 4.—Exemption of unwrought tin, exported to certain parts, from customs duty.—*The whole repealed.*
- 30 Geo. 3, c. 26.—Exemption of goods imported from Yucatan from auction duty, &c.—*The whole repealed.*
- 30 Geo. 3, c. 27.—Encouragement of new settlers in the colonies of America.—*The whole repealed.*
- 30 Geo. 3, c. 28.—Duty on Cashew gum imported from the West Indies.—*The whole repealed.*
- 30 Geo. 3, c. 37.—Duties on spirits (Scotland).—*Duty granted by, repealed.*
- 30 Geo. 3, c. 38.—Duties on licenses for retailing wine, &c.—*Duty granted by, repealed.*
- 30 Geo. 3, c. 41.—Importations from North America of rape seed, &c.—*The whole repealed.*
- 31 Geo. 3, c. 1.—Duties on worts and spirits, &c.—*The whole repealed.*
- 31 Geo. 3, c. 5.—Additional duties on amount of assessed taxes.—*The whole repealed.*
- 31 Geo. 3, c. 15.—Duty on sugar imported.—*The whole repealed.*
- 31 Geo. 3, c. 21.—Duty on certificates for killing hares.—*The whole repealed.*
- 31 Geo. 3, c. 25.—Duties on bills of exchange, &c.—*Duties granted by, repealed.*
- 31 Geo. 3, c. 26.—Importation of seal skins.—*The whole repealed.*
- 31 Geo. 3, c. 27.—Duties on tanned goat skins, &c.—*The whole repealed.*
- 31 Geo. 3, c. 37.—Importation of silk crapes, &c. of the manufacture of Italy.—*The whole repealed.*
- 31 Geo. 3, c. 42.—Indemnity in respect of a certain Order in Council. Duties on importation of saltpetre.—*The whole repealed.*
- 31 Geo. 3, c. 43.—Continuance of several laws, &c.—*The whole repealed.*
- 31 Geo. 3, c. 46.—Regulation of gaols.—*The whole repealed.*
- 31 Geo. 3, c. 47.—Importation and exportation of tobacco and snuff.—*The whole repealed.*
- 31 Geo. 3, c. 51.—Protection of the oyster fisheries.—*The whole repealed.*
- 31 Geo. 3, c. 55.—Establishment of the Sierra Leone Company.—*The whole repealed.*
- 31 Geo. 3, c. 56.—Prevention of frauds and abuses by woolcombers, &c. in Norfolk.—*Sects. 22, 23, and 24, and so much as relates to limitation of actions for anything done in pursuance of the act, as to pleading of general issue, and as to treble costs, repealed.*
- 32 Geo. 3, c. 9.—Exportation of tea to Ireland or America.—*The whole repealed.*
- 32 Geo. 3, c. 10.—Execution of warrants for apprehension of persons convicted of offences against excise laws.—*The whole repealed.*
- 32 Geo. 3, c. 11.—Sales by auction.—*The whole repealed.*
- 32 Geo. 3, c. 12.—Grant towards reduction of national debt.—*The whole repealed.*
- 32 Geo. 3, c. 22.—Encouragement of fisheries in the Greenland Seas and Davis's Straits.—*The whole repealed.*
- 32 Geo. 3, c. 37.—Importation and exportation at certain ports.—*The whole repealed.*
- 32 Geo. 3, c. 41.—Auction duty.—*The whole repealed.*
- 32 Geo. 3, c. 45.—Rogues and vagabonds.—*The whole repealed.*
- 32 Geo. 3, c. 48.—Sessions of the peace and of oyer and terminer for Middlesex.—*The whole repealed.*
- 32 Geo. 3, c. 49.—Importation of quercitron, &c.—*The whole repealed.*
- 32 Geo. 3, c. 51.—Exemption of letters between merchants from stamp duty.—*The whole repealed.*
- 32 Geo. 3, c. 54.—Duties on foreign printed, &c. papers.—*The whole repealed.*
- 32 Geo. 3, c. 55.—Reduction of national debt.—*The whole repealed.*

- 32 Geo. 3, c. 65.—Trade into the Levant Seas.—*The whole repealed.*
- 33 Geo. 3, c. 5.—Relief of debtors from imprisonment.—*The whole repealed.*
- 33 Geo. 3, c. 22.—Grant towards reduction of national debt.—*The whole repealed.*
- 33 Geo. 3, c. 23.—Quality of table beer.—*The whole repealed.*
- 33 Geo. 3, c. 28.—Loan on annuities, excise duties, &c.—*So much as relates to excise duties, assessed taxes, consolidated fund, and treble costs, repealed.*
- 33 Geo. 3, c. 29.—Exchequer bills for loans.—*The whole repealed.*
- 33 Geo. 3, c. 30.—Prevention of forgeries and frauds in transfer of funds transferable at the Bank of England.—*The whole repealed.*
- 33 Geo. 3, c. 38.—Making of salt.—*The whole repealed.*
- 33 Geo. 3, c. 57.—Regulation of warehoused tobacco.—*The whole repealed.*
- 33 Geo. 3, c. 58.—Premiums to ships carrying on southern whale fishery.—*The whole repealed.*
- 33 Geo. 3, c. 61.—Distilleries (Scotland).—*Duties granted by, repealed.*
- 33 Geo. 3, c. 68.—Importation into Great Britain of certain goods imported into Ireland.—*The whole repealed.*
- 33 Geo. 3, c. 68.—Judgments of courts of great sessions, &c. of Wales, Cheshire, Lancaster, and Durham, and county courts in Wales.—*So much as relates to court of great sessions in Wales repealed.*
- 33 Geo. 3, c. 69.—Duties on coal, licenses for sale of spirits, &c. (Scotland).—*Duties granted by, repealed.*
- 34 Geo. 3, c. 2.—Additional duties upon worts, wash, &c. in England, and upon spirits in Scotland.—*The whole repealed.*
- 34 Geo. 3, c. 3.—Additional duties on spirits imported.—*The whole repealed.*
- 34 Geo. 3, c. 4.—Duties on spirits and sugar imported.—*The whole repealed.*
- 34 Geo. 3, c. 14.—Stamp duties on indentures of clerkship to solicitors and attornies.—*Duties granted by, repealed.*
- 34 Geo. 3, c. 21.—Annuities, and payment of navy and victualling bills.—*Sec. 18 repealed.*
- 34 Geo. 3, c. 33.—Duties of excise.—*The whole repealed.*
- 34 Geo. 3, c. 42.—Grant to foreign ships put under his Majesty's protection of the privileges of prize ships, &c.—*The whole repealed.*
- 34 Geo. 3, c. 45.—Establishment of a court of criminal jurisdiction in Norfolk Island.—*The whole repealed.*
- 34 Geo. 3, c. 48.—Grant towards reduction of national debt.—*The whole repealed.*
- 34 Geo. 3, c. 63.—Allowing of the exercise of an invention of a new method of tanning hides and skins.—*The whole repealed.*
- 34 Geo. 3, c. 75.—Management of land revenues of Crown.—*The whole repealed.*
- 35 Geo. 3, c. 10.—Additional duties of excise on foreign wines and sweets.—*The whole repealed.*
- 35 Geo. 3, c. 11.—Additional duties of excise on worts, wash, &c. for spirits, and use of wheat in making wash.—*The whole repealed.*
- 35 Geo. 3, c. 12.—Additional duties of excise on foreign spirits.—*The whole repealed.*
- 35 Geo. 3, c. 13.—Additional duties of excise on tea, coffee, and cocoa nuts.—*The whole repealed.*
- 35 Geo. 3, c. 20.—Duties of customs.—*The whole repealed.*
- 35 Geo. 3, c. 23.—Grant towards the reduction of the national debt.—*The whole repealed.*
- 35 Geo. 3, c. 30.—Stamp duties.—*The whole repealed.*
- 35 Geo. 3, c. 31.—Prevention of smuggling.—*The whole repealed.*
- 35 Geo. 3, c. 38.—Continuance of various laws.—*The whole repealed.*
- 35 Geo. 3, c. 40.—Duty on hair-powder certificates.—*The whole repealed.*
- 35 Geo. 3, c. 50.—Duties on Scotch distilleries, &c.—*The whole repealed.*
- 35 Geo. 3, c. 89.—Duties on spirits.—*The whole repealed.*
- 35 Geo. 3, c. 91.—Regulation of hawkers and pedlars.—*The whole repealed.*
- 36 Geo. 3, c. 96.—Guarantee of dividends on loan to the Emperor of Germany.—*The whole repealed.*
- 35 Geo. 3, c. 96.—Relief of persons detained in gaol for want of bail in certain cases relating to the revenue.—*The whole repealed.*
- 35 Geo. 3, c. 97.—Duties of excise on tanned hides and skins.—*The whole repealed.*
- 35 Geo. 3, c. 109.—Carriage duties.—*The whole repealed.*
- 35 Geo. 3, c. 110.—Drawback on exportation of sugar.—*The whole repealed.*
- 35 Geo. 3, c. 117.—Importation of rape and other seeds.—*The whole repealed.*
- 35 Geo. 3, c. 118.—Warehousing of wines, &c.—*The whole repealed.*
- 36 Geo. 3, c. 13.—Additional excise duties on tobacco and snuff.—*The whole repealed.*
- 36 Geo. 3, c. 14.—Additional duties on amount of duties under Commissioners of Taxes.—*The whole repealed.*
- 36 Geo. 3, c. 18.—Drawbacks and bounties on exportation of sugar.—*The whole repealed.*
- 36 Geo. 3, c. 19.—Duties on salt.—*The whole repealed.*
- 36 Geo. 3, c. 22.—Making of bread.—*The whole repealed.*
- 36 Geo. 3, c. 58.—Exportation of rock salt.—*The whole repealed.*
- 36 Geo. 3, c. 55.—Making of the port of Scarborough (Island of Tobago) a free port.—*The whole repealed.*
- 36 Geo. 3, c. 78.—Duty on mahogany imported.—*The whole repealed.*
- 36 Geo. 3, c. 79.—Duty on black lead imported.—*The whole repealed.*
- 36 Geo. 3, c. 105.—Grant towards reduction of the national debt.—*The whole repealed.*
- 36 Geo. 3, c. 113.—Importation of arrow-root, &c.—*The whole repealed.*
- 36 Geo. 3, c. 123.—Additional duties on foreign wines and British sweets.—*The whole repealed.*
- 36 Geo. 3, c. 125.—Duty on hats.—*The whole repealed.*
- 37 Geo. 3, c. 14.—Excise duties on various matters.—*The whole repealed.*
- 37 Geo. 3, c. 15.—Duties of customs.—*The whole repealed.*
- 37 Geo. 3, c. 16.—Additional stage coach duties.—*The whole repealed.*
- 37 Geo. 3, c. 17.—Additional duties on distilleries (Scotland), &c.—*The whole repealed.*
- 37 Geo. 3, c. 18.—Postage.—*The whole repealed.*
- 37 Geo. 3, c. 26.—More speedy payment of navy, victualling, and transport bills.—*The whole repealed.*
- 37 Geo. 3, c. 28.—Issue of Bank of England notes under 5l.—*The whole repealed.*
- 37 Geo. 3, c. 59.—Loan to the Emperor of Germany.—*The whole repealed.*
- 37 Geo. 3, c. 63.—Grant to foreign ships put under his Majesty's protection of the privileges of prize ships, &c.—*The whole repealed.*
- 37 Geo. 3, c. 69.—Additional duties on the amount of certain duties under the management of the Commissioners of Taxes.—*The whole repealed.*
- 37 Geo. 3, c. 77.—Making of the port of San Josef, in Trinidad, a free port.—*The whole repealed.*
- 37 Geo. 3, c. 102.—Scotch distilleries.—*The whole repealed.*
- 37 Geo. 3, c. 105.—Additional duties on inhabited houses.—*The whole repealed.*
- 37 Geo. 3, c. 108.—Duties on clocks and watches.—*The whole repealed.*
- 37 Geo. 3, c. 110.—Customs duties.—*The whole repealed.*
- 37 Geo. 3, c. 111.—Additional stamp duty on deeds.—*The whole repealed.*
- 37 Geo. 3, c. 115.—Grant towards reduction of the national debt.—*The whole repealed.*
- 37 Geo. 3, c. 118.—Height between decks of vessels carrying slaves.—*The whole repealed.*
- 37 Geo. 3, c. 121.—Encouragement of the southern whale fisheries.—*The whole repealed.*
- 37 Geo. 3, c. 124.—Frauds by bankrupts prevention.—*The whole repealed.*
- 37 Geo. 3, c. 141.—Sending and receiving of letters free of postage by deputy clerk of House of Commons.—*The whole repealed.*
- 38 Geo. 3, c. 13.—Augmentation of the 60th Regiment by enlistment of foreigners, &c.—*The whole repealed.*
- 38 Geo. 3, c. 16.—Grant of an aid and contribution for the prosecution of the war.—*The whole repealed.*

- 38 Geo. 3, c. 39.—Importation and exportation (West Indies).—*The whole repealed.*
- 38 Geo. 3, c. 42.—Excise duty on tea, &c.—*The whole repealed.*
- 38 Geo. 3, c. 43.—Additional duties on salt.—*The whole repealed.*
- 38 Geo. 3, c. 45.—Purchase of debts due to the governments of Switzerland, &c.—*The whole repealed.*
- 38 Geo. 3, c. 47.—Grant for reduction of the national debt.—*The whole repealed.*
- 38 Geo. 3, c. 50.—Aliens.—*The whole repealed.*
- 38 Geo. 3, c. 53.—Duties on certificates issued with respect to armorial bearings or ensigns.—*The whole repealed.*
- 38 Geo. 3, c. 54.—Laws of excise amendment.—*The whole repealed.*
- 38 Geo. 3, c. 63.—Assize of bread.—*The whole repealed.*
- 38 Geo. 3, c. 71.—Copyright of models, &c.—*The whole repealed.*
- 38 Geo. 3, c. 81.—Aid and contribution for prosecution of the war.—*The whole repealed.*
- 38 Geo. 3, c. 85.—Stamp duties.—*The whole repealed, except sects. 4 and 5.*
- 38 Geo. 3, c. 89.—Salt duties.—*The whole repealed.*
- 38 Geo. 3, c. 92.—Scotch distilleries.—*The whole repealed.*
- 38 Geo. 3, c. 13.—Duties on income.—*The whole repealed.*
- 38 Geo. 3, c. 22.—Duties on income.—*The whole repealed.*
- 38 Geo. 3, c. 38.—Continuance of various acts relating to importation, &c.—*The whole repealed.*
- 38 Geo. 3, c. 42.—Duties on income.—*The whole repealed.*
- 38 Geo. 3, c. 45.—Making perpetual of enactment altering punishment of burning in the hand.—*The whole repealed.*
- 38 Geo. 3, c. 63.—Duties on sugar and coffee.—*The whole repealed.*
- 38 Geo. 3, c. 64.—Grant for reduction of national debt.—*The whole repealed.*
- 38 Geo. 3, c. 65.—Bounty on pilchards exported, and salt duties.—*The whole repealed.*
- 38 Geo. 3, c. 72.—Duties on income.—*The whole repealed.*
- 38 Geo. 3, c. 75.—Prohibition of exportation of light silver coin of the realm, &c.—*The whole repealed.*
- 38 Geo. 3, c. 77.—Salt duties.—*The whole repealed.*
- 38 Geo. 3, c. 78.—Duties on distilleries (Scotland).—*The whole repealed.*
- 38 Geo. 3, c. 80.—Carrying of slaves from Africa.—*The whole repealed.*
- 38 Geo. 3, c. 83.—Transfer to commissioners for auditing public accounts of duties of auditors of land revenue.—*The whole repealed.*
- 38 Geo. 3, c. 85.—Embezzlement.—*The whole repealed.*
- 38 Geo. 3, c. 94.—Salary of master and worker of the Mint.—*The whole repealed, except sect. 5.*
- 38 Geo. 3, c. 99.—Trade to the Levant Seas, and reduction of certain export duty.—*The whole repealed.*
- 38 Geo. 3, c. 104.—Augmentation of the 60th Regiment by enlistment of foreigners.—*The whole repealed.*
- 38 Geo. 3, c. 107.—Stamp duties on bills of exchange and promissory notes.—*Duties imposed, and sect. 25, repealed.*
- 38 & 40 Geo. 3, c. 11.—Appropriation of certain duties.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 23.—Duties of excise on spirits and tea.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 26.—Grant towards reduction of national debt.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 32.—Exemptions from duties on hair powder, and horses of officers in the navy, and persons in volunteer cavalry corps.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 44.—Allowances to adjutants, &c. of militia (England).—*The whole repealed.*
- 38 & 40 Geo. 3, c. 45.—Perpetuation of an act relating to duties on glass, and continuance of various acts.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 49.—Duties on income.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 55.—Salaries of Scotch judges.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 80.—Duties on wine, &c. imported from the Cape of Good Hope.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 72.—Amendment of law relating to stamp duties.—*Sects. 3, 4, 5, 9, 11, 12, and 19 repealed.*
- 38 & 40 Geo. 3, c. 73.—Duties on distillation (Scotland).—*The whole repealed.*
- 38 & 40 Geo. 3, c. 74.—Price and assize of bread.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 95.—Indemnity to printers of public documents against certain penalties.—*The whole repealed.*
- 38 & 40 Geo. 3, c. 98.—Duties on income.—*The whole repealed.*
- 41 Geo. 3 (G. B.), c. 21.—Use of salt, duty free, in preserving fish; protection from impressment; and discontinuance of bounty on white herrings.—*The whole repealed.*
- 41 Geo. 3 (G. B.), c. 22.—Appointment of commissioners for examination of accounts of expenditure in the West Indies during the present war.—*The whole repealed.*
- 41 Geo. 3 (G. B.), c. 23.—Making of the port of Amsterdam, in the island of Curaçoa, a free port.—*The whole repealed.*
- 41 Geo. 3 (G. B.), c. 25.—Importation of undressed hemp from countries within the limits of the exclusive trade of the East India Company, free of duty.—*The whole repealed.*
- 41 Geo. 3 (G. B.), c. 30.—Amendment of act for erecting a lazaret at Chetney Hill, and reducing into one act the laws relating to quarantine, &c.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 10.—Additional stamp duties on bills, &c., and deeds.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 28.—Certain customs duties.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 29.—Additional duty on English spirits imported into Scotland, &c.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 33.—Duties on tea, sugar, and coals (Ireland).—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 42.—Sale of elephant oil free of auction duty (Great Britain).—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 48.—Licenses for sale of wine, ale, &c. (Ireland).—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 62.—Exemption of Irish members of Parliament, &c. from payment of certain duties.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 65.—Grant towards redemption of national debt.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 68.—Duties and drawbacks on copper.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 74.—Drawbacks on sugar, &c. (Ireland).—*The whole repealed.*
- 41 Geo. 3 (U. K.) c. 80.—Indemnity to printers of public documents against certain penalties.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 86.—Additional stamp duties on cards, dice, probates of wills, deeds, ale licenses, &c. (Great Britain).—*The whole repealed, except sect. 3.*
- 41 Geo. 3 (U. K.), c. 87.—Duties of customs on playing cards (Great Britain).—*The whole repealed.*
- 41 Geo. 3 (U. K.) c. 89.—Duty on importation of statues.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 91.—Regulation, &c. of certain excise duties.—*The whole repealed.*
- 41 Geo. 3 (U. K.), c. 98.—Militia pay (Ireland).—*The whole repealed.*
- 42 Geo. 3, c. 14.—Manufacture of starch from potatoes, &c.—*The whole repealed.*
- 42 Geo. 3, c. 20.—Duties on rum for ships' stores; exportation and importation, &c.—*The whole repealed.*
- 42 Geo. 3, c. 24.—Duties on cinnamon, cassia lignea, &c.—*The whole repealed.*
- 42 Geo. 3, c. 34.—Additional duties on windows and on inhabited houses (Great Britain).—*The whole repealed.*
- 42 Geo. 3, c. 37.—Additional duties on servants, carriages, horses, mules, and dogs (Great Britain).—*The whole repealed.*
- 42 Geo. 3, c. 38.—Additional duties on beer, ale, malt, and hops (Great Britain); on spirits (Ireland), &c.—*The whole repealed.*
- 42 Geo. 3, c. 43.—Duties of customs and tonnage (Great Britain).—*The whole repealed.*
- 42 Geo. 3, c. 47.—Duties on sugar and coffee exported, &c. (Great Britain).—*The whole repealed.*
- 42 Geo. 3, c. 56.—Stamp duties.—*Duties imposed repealed.*
- 42 Geo. 3, c. 61.—Encouragement of Irish mariners, &c.—*The whole repealed.*

- 42 Geo. 3, c. 86.—Yeomanry and volunteers.—*The whole repealed.*
- 42 Geo. 3, c. 70.—Public accounts.—*The whole repealed.*
- 42 Geo. 3, c. 71.—Reduction of the national debt.—*The whole repealed.*
- 43 Geo. 3, c. 77.—Pacific Ocean fisheries.—*The whole repealed.*
- 42 Geo. 3, c. 83.—Duties of excise on wines, home-made spirits, &c.—*The whole repealed.*
- 42 Geo. 3, c. 103.—Repeal, &c. of certain duties (Ireland).—*The whole repealed.*
- 42 Geo. 3, c. 112.—Grant towards the redemption of national debt.—*The whole repealed.*
- 42 Geo. 3, c. 117.—Additional import and export duties (Ireland).—*The whole repealed.*
- 43 Geo. 3, c. 2.—Enrolment of militia (Ireland).—*The whole repealed.*
- 43 Geo. 3, c. 7.—Payment of navy, victualling, and transport bills.—*The whole repealed.*
- 43 Geo. 3, c. 19.—Militia, extension of period of training and exercise (Great Britain).—*The whole repealed.*
- 43 Geo. 3, c. 33.—Enrolment of militia (Ireland).—*The whole repealed.*
- 43 Geo. 3, c. 48.—East India Company volunteer corps.—*The whole repealed.*
- 43 Geo. 3, c. 69.—Excise duties (Great Britain).—*The whole repealed.*
- 43 Geo. 3, c. 90.—Enlargement of the limits of the southern whale fishery.—*The whole repealed.*
- 43 Geo. 3, c. 92.—Import and export duties, &c. (Ireland).—*The whole repealed.*
- 43 Geo. 3, c. 98.—Collection of revenue upon malt; regulation of distilling trade (Ireland).—*The whole repealed.*
- 43 Geo. 3, c. 113.—Wilful casting away of vessels, &c.—*The whole repealed.*
- 43 Geo. 3, c. 118.—Discovery of longitude at sea, &c.—*The whole repealed.*
- 43 Geo. 3, c. 124.—Additional military force and militia, exemptions from (Scotland).—*The whole repealed.*
- 43 Geo. 3, c. 130.—Duties on auctioneers, &c.—*The whole repealed.*
- 43 Geo. 3, c. 131.—Additional customs duty on lignum quassia (Great Britain).—*The whole repealed.*
- 43 Geo. 3, c. 152.—Pilots of Dover, Deal, and Isle of Thanet.—*The whole repealed.*
- 43 Geo. 3, c. 158.—Grant for building glebe-houses (Ireland).—*The whole repealed.*
- 44 Geo. 3, c. 18.—Volunteers and Yeomanry (Great Britain).—*The whole repealed.*
- 44 Geo. 3, c. 33.—Augmentation of militia (Ireland).—*The whole repealed.*
- 44 Geo. 3, c. 44.—Newfoundland trade, exemption of vessels from Passenger Act.—*The whole repealed.*
- 44 Geo. 3, c. 49.—Additional duties on wine imported (Great Britain).—*The whole repealed.*
- 44 Geo. 3, c. 58.—Laying of certain public accounts before Parliament (Ireland).—*The whole repealed.*
- 44 Geo. 3, c. 71.—Counterfeit dollars and tokens (England and Ireland).—*The whole repealed.*
- 44 Geo. 3, c. 102.—Habeas corpus ad testificandum (England and Ireland).—*Sect. 2 repealed.*
- 45 Geo. 3, c. 14.—Additional salt duties (Great Britain).—*The whole repealed.*
- 45 Geo. 3, c. 29.—Additional customs duties (Great Britain).—*The whole repealed.*
- 45 Geo. 3, c. 30.—Additional duties of excise (Great Britain).—*The whole repealed.*
- 45 Geo. 3, c. 42.—Counterfeiting of Bank of Ireland silver tokens, &c.—*The whole repealed.*
- 45 Geo. 3, c. 44.—Duty on slates brought coastwise within Great Britain.—*The whole repealed.*
- 45 Geo. 3, c. 45.—Additional duties on wine imported, and drawbacks to naval officers.—*The whole repealed.*
- 45 Geo. 3, c. 53.—Collection of malt duties and regulation of the trade of maltsters (Ireland).—*The whole repealed.*
- 45 Geo. 3, c. 67.—Additional duties on Spanish red wine (Great Britain).—*The whole repealed.*
- 45 Geo. 3, c. 75.—Appointments to certain offices in the Court of Chancery made during vacancy of the office of registrar, &c.—*The whole repealed.*
- 45 Geo. 3, c. 88.—Duties on cochineal dust and granilla.—*The whole repealed.*
- 45 Geo. 3, c. 91.—Appointment of additional commissioners for auditing public accounts.—*The whole repealed.*
- 45 Geo. 3, c. 93.—Drawbacks and bounties on sugar exported from Great Britain.—*The whole repealed.*
- 45 Geo. 3, c. 98.—Increase of drawback on linens exported from Great Britain to West Indies.—*The whole repealed.*
- 45 Geo. 3, c. 100.—Distillation of spirits in England for exportation to Scotland, and vice versa, &c.—*The whole repealed.*
- 45 Geo. 3, c. 103.—Additional duties on importation of straw plaiting, hats, and bonnets.—*The whole repealed.*
- 45 Geo. 3, c. 123.—Grant of annuity to Duke of Atholl and heirs general of seventh Earl of Derby.—*The whole repealed.*
- 46 Geo. 3, c. 11.—Exportation of corn, &c. for the use of his Majesty's forces and garrisons.—*The whole repealed.*
- 46 Geo. 3, c. 35.—Exemption from stamp duties of notes, &c. of the Bank of Ireland.—*The whole repealed.*
- 46 Geo. 3, c. 38.—Customs and excise duties upon tea.—*The whole repealed.*
- 46 Geo. 3, c. 44.—Certain wine duties carried to the Consolidated Fund.—*The whole repealed.*
- 46 Geo. 3, c. 45.—Office of treasurer of the Ordnance.—*The whole repealed.*
- 46 Geo. 3, c. 52.—Slave trade.—*The whole repealed.*
- 46 Geo. 3, c. 64.—Stamp duties (Ireland).—*The whole repealed.*
- 46 Geo. 3, c. 75.—Office of receiver-general of excise duties (England).—*The whole repealed.*
- 46 Geo. 3, c. 78.—Increase in amount of assessed taxes (Great Britain).—*The whole repealed.*
- 46 Geo. 3, c. 87.—Consolidation and amendment of laws relating to collection of customs duties, and payment of drawbacks (Ireland).—*The whole repealed.*
- 46 Geo. 3, c. 97.—Free interchange of grain between Great Britain and Ireland.—*The whole repealed.*
- 46 Geo. 3, c. 102.—Duties on stills and spirits, &c. (Scotland).—*The whole repealed.*
- 46 Geo. 3, c. 109.—Bounty on refined sugar, &c. (Great Britain).—*The whole repealed.*
- 46 Geo. 3, c. 110.—Additional bounty on silk manufactures (Great Britain).—*The whole repealed.*
- 46 Geo. 3, c. 114.—Drawback on linens exported to the West Indies.—*The whole repealed.*
- 46 Geo. 3, c. 115.—Exportation of raisins, currants, and figs from Great Britain, duty free.—*The whole repealed.*
- 46 Geo. 3, c. 124.—Volunteers from Irish militia.—*The whole repealed.*
- 46 Geo. 3, c. 128.—Salaries and retiring allowances to Masters in Chancery.—*The whole repealed.*
- 46 Geo. 3, c. 138.—Excise; countervailing duty on hops, window glass, &c. (Ireland); exemption of draining tiles.—*Duties and drawbacks on glass repealed.*
- 46 Geo. 3, c. 142.—Office of Surveyor-General of Woods and Forests.—*The whole repealed.*
- 46 Geo. 3, c. 151.—Crown lands: new leases on former rents for charitable institutions, &c.—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 7.—Interchange of grain between Great Britain and Ireland.—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 12.—Abolition and regulation of offices in the Customs (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 18.—Excise duties and taxes (Ireland).—*Duties on sweets and made wines repealed.*
- 47 Geo. 3, sess. 1, c. 19.—Drawbacks on sugar, &c. (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 35.—Duties on excise licences (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 36.—Abolition of the slave trade.—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 38.—Paper duties (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 40.—Duties, &c. on malt and spirits (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 47.—Prize money on captures by foreign, in conjunction with British, ships.—*The whole repealed.*



- 47 Geo. 3, sess. 1, c. 50.—Stamp duties (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 1, c. 55.—Charge of loan upon war duties of customs, &c.—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 10.—Export of salted beef and pork (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 11.—Assessed taxes, excise duties, &c.: recovery of penalties (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 14.—Excise and stamp duties (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 18.—Duties, &c. on importation and exportation.—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 19.—Trade of rectifying spirits (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 20.—Power to appoint the Chancellor of the Exchequer of Ireland one of the Commissioners of the Treasury in England.—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 23.—Grant for glebe-houses (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 30.—Excise duties, &c. (Great Britain).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 34.—Importation and exportation (port of Amsterdam, Curaçoa).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 44.—Sierra Leone Company.—*Sect. 4 repealed.*
- 47 Geo. 3, sess. 2, c. 53.—Power for Postmaster-General to open and return letters directed to places abroad, but not delivered.—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 58.—Increase of militia (Ireland).—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 63.—Excise duties and drawback on silks.—*The whole repealed.*
- 47 Geo. 3, sess. 2, c. 65.—Exemption from auction duty of certain sales by West India Dock Company.—*The whole repealed.*
- 48 Geo. 3, c. 2.—Duties on malt, sugar, tobacco, and snuff in Great Britain, and on pensions and offices in England.—*The whole repealed.*
- 48 Geo. 3, c. 9.—Abolition of the office of surveyor of subsidies and petty customs in the port of London.—*The whole repealed.*
- 48 Geo. 3, c. 30.—Trade between Ireland and the East Indies.—*The whole repealed.*
- 48 Geo. 3, c. 31.—Counterfeiting of Bank of Ireland silver tokens, and circulation of same.—*The whole repealed.*
- 48 Geo. 3, c. 41.—Repeal of certain excise duties, and grant of stamp duties in lieu thereof, &c. (Ireland).—*The whole repealed.*
- 48 Geo. 3, c. 55.—Assessed taxes and stamp duties on game certificates.—*So much of sect. 7 as enacts that "every receiver-general shall have an allowance of three halfpences in the pound on all monies by him received and paid into the receipt of Exchequer, or duly accounted for according to the course of his Majesty's Exchequer," repealed.*
- 48 Geo. 3, c. 58.—Abolition of fees received by customs officers in Irish ports, and hours of attendance and holidays of said officers and officers of excise.—*The whole repealed.*
- 48 Geo. 3, c. 57.—Duties of customs on ready-made corks.—*The whole repealed.*
- 48 Geo. 3, c. 62.—Collection of revenues of customs and excise (Ireland).—*The whole repealed.*
- 48 Geo. 3, c. 64.—Militia enlistment into the army (Ireland).—*The whole repealed.*
- 48 Geo. 3, c. 68.—Extension of bounty on pilchards exported.—*The whole repealed.*
- 48 Geo. 3, c. 74.—Collection of malt duties (Great Britain).—*The whole repealed.*
- 48 Geo. 3, c. 78.—Malt and spirit duties (Ireland).—*The whole repealed.*
- 48 Geo. 3, c. 91.—Examination of accounts of public expenditure in West Indies.—*The whole repealed.*
- 48 Geo. 3, c. 99.—Warehousing of prize goods liable to duty, and reduction of strength of spirits condemned as prizes.—*The whole repealed.*
- 48 Geo. 3, c. 107.—Returns of fines, &c. under acts relating to the defence of the realm.—*The whole repealed.*
- 48 Geo. 3, c. 117.—Duties upon painted or stained silks.—*The whole repealed.*
- 48 Geo. 3, c. 119.—Regulation of duties on spirits imported into Great Britain according to the strength.—*The whole repealed.*
- 48 Geo. 3, c. 120.—Duties on coffee, and warehousing the same, and cocoa.—*The whole repealed.*
- 48 Geo. 3, c. 121.—Duties on coffee taken out of warehouses for home consumption.—*The whole repealed.*
- 48 Geo. 3, c. 122.—Vesting in the commissioners for the affairs of barracks of all property occupied for the barrack service, &c.—*The whole repealed.*
- 48 Geo. 3, c. 129.—Larceny from the person.—*The whole repealed.*
- 48 Geo. 3, c. 143.—Stamp duties on licenses for selling exciseable liquors by retail.—*Duties granted by, repealed.*
- 48 Geo. 3, c. 145.—Annuities to the judges of the courts of session, &c., on resignation (Scotland).—*Repealed, as to annuities to the barons of the Exchequer.*
- 49 Geo. 3, c. 4.—Militia (Great Britain) enlistment into the army.—*The whole repealed.*
- 49 Geo. 3, c. 5.—Militia (Ireland) enlistment into the army.—*The whole repealed.*
- 49 Geo. 3, c. 9.—Importation of flax seed into Ireland.—*The whole repealed.*
- 49 Geo. 3, c. 24.—Excise duty on spent wash re-distilled (Great Britain).—*So far as relates to England repealed.*
- 49 Geo. 3, c. 33.—Excise duty on spirits made from sugar (Ireland), &c.—*The whole repealed.*
- 49 Geo. 3, c. 34.—Registry at Malta of ships taken as prize.—*The whole repealed.*
- 49 Geo. 3, c. 44.—Exemption from home consumption duties of goods brought in as prize or seized as droits, and restored by Court of Admiralty.—*The whole repealed.*
- 49 Geo. 3, c. 58.—Completing the militia (Ireland).—*The whole repealed.*
- 49 Geo. 3, c. 66.—Holidays, &c. in offices of excise.—*The whole repealed.*
- 49 Geo. 3, c. 68.—Law of bastardy (England).—*The whole repealed, except sect. 3, so far as it relates to a mother of a bastard.*
- 49 Geo. 3, c. 69.—Indemnity to persons having printed books, &c. without full description of printer's place of abode.—*The whole repealed.*
- 49 Geo. 3, c. 71.—Loan on annuities.—*Sect. 16 repealed.*
- 49 Geo. 3, c. 78.—Exportation of gunpowder, arms, &c. (Ireland).—*The whole repealed.*
- 49 Geo. 3, c. 81.—Laws of excise relating to paper, silks, salt, &c. (Great Britain).—*The whole repealed.*
- 49 Geo. 3, c. 95.—Constitution of board of commissioners for auditing the public accounts.—*The whole repealed.*
- 49 Geo. 3, c. 96.—Superannuation allowance to officers of excise.—*The whole repealed.*
- 49 Geo. 3, c. 103.—Warehoused goods.—*The whole repealed.*
- 49 Geo. 3, c. 109.—Woollen manufacture.—*Sect. 5 repealed in part, namely, from "nor shall any such persons" to "parish or place."*
- 49 Geo. 3, c. 112.—Purchase of lands for defence of the realm.—*The whole repealed.*
- 49 Geo. 3, c. 118.—Management of customs and excise (Ireland).—*The whole repealed.*
- 49 Geo. 3, c. 117.—Excise duty on coffee, growth of British dominions in Africa (Great Britain).—*The whole repealed.*
- 49 Geo. 3, c. 121.—Bankrupts (England and Ireland).—*The whole repealed.*
- 49 Geo. 3, c. 127.—Salaries of chief baron and other judges, chief justice of Chester, &c.—*The whole repealed.*
- 50 Geo. 3, c. 10.—Clandestine running of uncustomed goods, &c.—*The whole repealed.*
- 50 Geo. 3, c. 26.—Duty on exportation of foreign plain linen taken out of warehouse.—*The whole repealed.*
- 50 Geo. 3, c. 34.—Exportation of British and Irish made malt from one part of the kingdom to the other.—*The whole repealed.*
- 50 Geo. 3, c. 38.—Bonded warehouses (Ireland).—*The whole repealed.*
- 50 Geo. 3, c. 44.—Excise officers, superannuation allowance (Scotland).—*The whole repealed.*
- 50 Geo. 3, c. 47.—Relief and maintenance of insolvent debtors (Ireland).—*The whole repealed.*
- 50 Geo. 3, c. 51.—Punishment of women delivered of bastards.—*The whole repealed.*
- 50 Geo. 3, c. 58.—Redemption and sale of land tax.—*Sect. 4 repealed.*

- 50 Geo. 3, c. 60.—Exportation from Bristol to Newfoundland of foreign salt, duty free. Shipping salt in certain cases to North America.—*The whole repealed.*
- 50 Geo. 3, c. 71.—Provision for charges of the loan, &c. of the present session.—*The whole repealed.*
- 50 Geo. 3, c. 73.—Regulation of baking trade beyond London, &c.—*The whole repealed.*
- 50 Geo. 3, c. 75.—Additional window duty (Ireland).—*The whole repealed.*
- 50 Geo. 3, c. 76.—Stamp duties (Ireland).—*The whole repealed.*
- 50 Geo. 3, c. 77.—Additional customs duties on certain kinds of wood.—*The whole repealed.*
- 51 Geo. 3, c. 20.—Enlistment of a proportion of the militia into the regular forces.—*The whole repealed.*
- 51 Geo. 3, c. 23.—Abolition of slave trade.—*The whole repealed.*
- 51 Geo. 3, c. 30.—Militia enlistment into the army (Ireland).—*The whole repealed.*
- 51 Geo. 3, c. 32.—Security of exciseable goods on board vessels in the port of Bristol.—*The whole repealed.*
- 51 Geo. 3, c. 34.—Premiums to ships employed in southern whale fishery.—*The whole repealed, except sect. 6.*
- 51 Geo. 3, c. 47.—Treaty of commerce with Portugal.—*The whole repealed, except sect. 9.*
- 51 Geo. 3, c. 55.—Abolition of superannuation fund in the customs department.—*The whole repealed.*
- 51 Geo. 3, c. 56.—Additional duties on tobacco manufactured in Ireland.—*The whole repealed.*
- 51 Geo. 3, c. 57.—Exportation of salted beef and pork from Ireland.—*The whole repealed.*
- 51 Geo. 3, c. 59.—Additional duties on wash or other liquors used in the distillation of spirits and on foreign spirits.—*The whole repealed.*
- 51 Geo. 3, c. 61.—Provision for defraying increased charge occasioned by loan.—*The whole repealed.*
- 51 Geo. 3, c. 67.—Duties on hides in the hair.—*The whole repealed.*
- 51 Geo. 3, c. 68.—Additional duty on verdigris.—*The whole repealed.*
- 51 Geo. 3, c. 72.—Exemption from duties of assessed taxes on servants, horses, carriages, and dogs, kept in Great Britain and Ireland.—*The whole repealed.*
- 51 Geo. 3, c. 74.—Sale of warehoused prize goods.—*The whole repealed.*
- 51 Geo. 3, c. 82.—Regulation respecting rock salt delivered to refineries, &c.—*The whole repealed.*
- 51 Geo. 3, c. 89.—Increase of salary of the Lord-Lieutenant of Ireland.—*The whole repealed.*
- 51 Geo. 3, c. 93.—Duties on Norway fir timber.—*The whole repealed.*
- 51 Geo. 3, c. 95.—Auction duty; roasting coffee; water-mark on paper intended for exportation.—*Sect. 1 repealed.*
- 51 Geo. 3, c. 110.—Counterfeiting of silver tokens issued by the Bank of England.—*The whole repealed.*
- 52 Geo. 3, c. 30.—Warehousing of spirits distilled from corn (Ireland).—*The whole repealed.*
- 52 Geo. 3, c. 34.—Relief of debtors.—*The whole repealed.*
- 52 Geo. 3, c. 36.—Duties on mahogany, &c.—*The whole repealed.*
- 52 Geo. 3, c. 46.—Duties upon spirits, &c. (Ireland).—*The whole repealed.*
- 52 Geo. 3, c. 48.—Duties on spirits distilled from corn in stills of and under 100 gallons content (Ireland).—*The whole repealed.*
- 52 Geo. 3, c. 53.—Auction duty on sale of colonial coffee.—*The whole repealed.*
- 52 Geo. 3, c. 60.—Payment of superannuation allowances in customs department (Scotland).—*The whole repealed.*
- 52 Geo. 3, c. 64.—Obtaining bonds and other securities under false pretences.—*The whole repealed.*
- 52 Geo. 3, c. 81.—Superannuation allowance of officers of excise.—*The whole repealed.*
- 52 Geo. 3, c. 82.—Transfer to Consolidated Fund of Scotch excise charity and superannuation funds, &c.—*The whole repealed.*
- 52 Geo. 3, c. 87.—Stamp duties; duties on cards and dice (Ireland).—*The whole repealed.*
- 52 Geo. 3, c. 84.—Excise duties on glass, hides, tobacco, and snuff (Great Britain).—*The whole repealed.*
- 52 Geo. 3, c. 96.—Application of amount of bounties on linen, &c. towards defraying charge of any loan made in the present session.—*The whole repealed.*
- 52 Geo. 3, c. 107.—Allowance of duty on salt used for making acid for bleaching.—*The whole repealed.*
- 52 Geo. 3, c. 117.—Customs duties on certain woods, and on pot and pearl ashes.—*The whole repealed.*
- 52 Geo. 3, c. 118.—Amendment of act respecting prohibition of distillation of spirits from corn, &c.—*The whole repealed.*
- 52 Geo. 3, c. 119.—Importation from Turkey, &c. in foreign ships.—*The whole repealed.*
- 52 Geo. 3, c. 128.—Regulations for securing excise duties on malt (Great Britain).—*The whole repealed.*
- 52 Geo. 3, c. 135.—Advance to the East India Company for discharge of part of the Indian debt.—*The whole repealed.*
- 52 Geo. 3, c. 139.—Duties on stone bottles.—*The whole repealed.*
- 52 Geo. 3, c. 142.—Removal of goods from one bonding warehouse to another.—*The whole repealed.*
- 52 Geo. 3, c. 153.—British white herring fishery.—*The whole repealed.*
- 53 Geo. 3, c. 8.—Duties and drawbacks on importation and exportation of Spanish or red wine.—*The whole repealed.*
- 53 Geo. 3, c. 9.—Duties on malt.—*The whole repealed.*
- 53 Geo. 3, c. 10.—Additional duty on rice.—*The whole repealed.*
- 53 Geo. 3, c. 11.—Additional drawback on chocolate.—*The whole repealed.*
- 53 Geo. 3, c. 19.—Prevention of issue and circulation of gold or silver tokens, other than those of the Banks of England and Ireland.—*The whole repealed.*
- 53 Geo. 3, c. 20.—Militia (Great Britain) enlistment of a proportion of the corps of miners of Cornwall and Devon into the regular forces.—*The whole repealed.*
- 53 Geo. 3, c. 21.—Provision for poor persons confined for debt, &c., sued for by order of Commissioners of Customs and Excise.—*The whole repealed.*
- 53 Geo. 3, c. 22.—Sale of salt seized, duty free, and reward to seizing officer.—*The whole repealed.*
- 53 Geo. 3, c. 30.—Bounty on exportation of manufactures of waste silk.—*The whole repealed.*
- 53 Geo. 3, c. 33.—Additional duties of customs.—*The whole repealed.*
- 53 Geo. 3, c. 34.—Additional excise duties on importation of tobacco, snuff, and French wines, and drawbacks.—*The whole repealed.*
- 53 Geo. 3, c. 38.—Exportation of corn and other articles to Newfoundland, &c.—*The whole repealed.*
- 53 Geo. 3, c. 52.—Distillation and warehousing of spirits made from sugar (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 56.—Excise duties on malt (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 57.—Excise duties on tobacco (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 59.—Duties on carriages, horses, male servants, and windows (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 60.—Collection of duties on hides dressed in oil, vellum, and parchment (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 62.—Duties on sugar for home consumption from Martinique, &c.—*The whole repealed.*
- 53 Geo. 3, c. 84.—Duties on Cape wines.—*The whole repealed.*
- 53 Geo. 3, c. 86.—Naval compensations and pensions.—*The whole repealed.*
- 53 Geo. 3, c. 87.—Frauds by boatmen and others, and adjustment of salvage.—*The whole repealed.*
- 53 Geo. 3, c. 97.—Sale, by glassmakers, of muriate of potash for manufacture of alum, and excise duty thereon.—*The whole repealed.*
- 53 Geo. 3, c. 100.—Audit of accounts of Paymaster-General of the Forces, &c.—*The whole repealed.*
- 53 Geo. 3, c. 103.—Transfer of excise licences to executors, &c. of licensed traders.—*The whole repealed.*
- 53 Geo. 3, c. 104.—Entry into Ireland for home consumption of sugar from Martinique, &c., at reduced duty.—*The whole repealed.*
- 53 Geo. 3, c. 106.—Counterfeiting of tokens of the Bank of Ireland.—*The whole repealed.*
- 53 Geo. 3, c. 112.—Prosecutions under acts relating to the abolition of the slave trade.—*The whole repealed.*

- 53 Geo. 3, c. 114.—Prevention of issue and circulation of gold and silver tokens, except those of Banks of England and Ireland.—*The whole repealed.*
- 53 Geo. 3, c. 116.—Price and assize of bread sold out of city of London, and beyond the bills of mortality, &c.—*The whole repealed.*
- 53 Geo. 3, c. 120.—Reduction of the national debt (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 124.—Use of salt, duty free, for curing certain fish.—*The whole repealed.*
- 53 Geo. 3, c. 128.—Relief of Roman Catholics holding civil or military offices in Ireland from penalties of Popish recusancy in England, &c.—*The whole repealed.*
- 53 Geo. 3, c. 129.—Sale of offices of six clerks in Chancery (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 137.—Licenses for sale of spirituous liquors, &c. (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 140.—Cinque Ports pilots.—*The whole repealed.*
- 53 Geo. 3, c. 145.—Distillation of spirits (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 147.—Excise duties on spirits (Great Britain).—*The whole repealed.*
- 53 Geo. 3, c. 148.—Illicit distillation of spirits (Ireland).—*The whole repealed.*
- 53 Geo. 3, c. 156.—Provision for payment of the charge of certain annuities.—*The whole repealed.*
- 54 Geo. 3, c. 1.—British and Irish militias, service out of the United Kingdom.—*The whole repealed.*
- 54 Geo. 3, c. 11.—Provision for sergeants of militia (Great Britain and Ireland).—*The whole repealed.*
- 54 Geo. 3, c. 12.—Augmentation of the 60th Regiment by enlistment of foreigners.—*The whole repealed.*
- 54 Geo. 3, c. 17.—City of London militia, service out of the United Kingdom.—*The whole repealed.*
- 54 Geo. 3, c. 20.—Amendment of act as to service of the British and Irish militias out of the United Kingdom.—*The whole repealed.*
- 54 Geo. 3, c. 21.—Duty on Scotch salt brought to England.—*The whole repealed.*
- 54 Geo. 3, c. 32.—Illicit distillation of spirits (Ireland).—*The whole repealed.*
- 54 Geo. 3, c. 36.—Customs duties on goods imported from East Indies into Great Britain, East India Company's accounts, &c.—*The whole repealed.*
- 54 Geo. 3, c. 42.—Punishment for the destruction of stocking or lace frames, &c.—*The whole repealed.*
- 54 Geo. 3, c. 50.—Customs duties on salt.—*The whole repealed.*
- 54 Geo. 3, c. 59.—Slave trade suppression, registration of condemned ships.—*The whole repealed.*
- 54 Geo. 3, c. 64.—War duties of customs continuance.—*The whole repealed.*
- 54 Geo. 3, c. 65.—Customs duties on importation of French goods, &c.—*The whole repealed.*
- 54 Geo. 3, c. 68.—Repeal of customs duties on teak or other wood for ship-building, imported from East Indies.—*The whole repealed.*
- 54 Geo. 3, c. 69.—Repeal of all customs duties, bounties, and restrictions on the exportation of corn from the United Kingdom.—*The whole repealed.*
- 54 Geo. 3, c. 77.—Customs regulations for securing duties on Cape wines.—*The whole repealed.*
- 54 Geo. 3, c. 88.—Collection of excise duties on spirits (Ireland).—*The whole repealed.*
- 54 Geo. 3, c. 97.—Excise duties on glass (Great Britain).—*The whole repealed.*
- 54 Geo. 3, c. 120.—Management of customs and excise (Ireland).—*The whole repealed.*
- 54 Geo. 3, c. 121.—Excise duties on foreign wine, spirits, and other liquors.—*The whole repealed.*
- 54 Geo. 3, c. 124.—Importation of tobacco and snuff into Plymouth.—*The whole repealed.*
- 54 Geo. 3, c. 127.—Exportation from Scotland and Ireland of linen cloth without stamps.—*So far as relates to Scotland repealed.*
- 54 Geo. 3, c. 142.—Exportation of tea to British America, &c., duty free.—*The whole repealed.*
- 54 Geo. 3, c. 174.—Farming of the post horse duties, and measurement of roads (Great Britain).—*The whole repealed.*
- 55 Geo. 3, c. 14.—Customs duties on wood (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 22.—Customs duties on tobacco.—*The whole repealed.*
- 55 Geo. 3, c. 23.—Customs duties on citrat of lime.—*The whole repealed.*
- 55 Geo. 3, c. 29.—Trade of Malta.—*The whole repealed.*
- 55 Geo. 3, c. 35.—Additional excise duty on tobacco (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 36.—Customs duty on tobacco (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 37.—Exportation or importation of sugar, coffee, &c. (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 55.—Land revenues of the Crown.—*The whole repealed.*
- 55 Geo. 3, c. 57.—Repeal of South Sea Company's exclusive privileges of trade, and indemnity to the company for the loss.—*The whole repealed.*
- 55 Geo. 3, c. 62.—Excise duties on malt (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 66.—Excise duties on salt, drawback on foreign brimstone, &c.—*The whole repealed.*
- 55 Geo. 3, c. 95.—Customs duties on vegetable substances used in tanning.—*The whole repealed.*
- 55 Geo. 3, c. 99.—Excise duties on malt (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 106.—Excise duties on hides and skins tanned in Ireland.—*The whole repealed.*
- 55 Geo. 3, c. 110.—Excise duties on sweets or made wines (Ireland).—*The whole repealed.*
- 55 Geo. 3, c. 114.—Salaries, &c. of Master of the Rolls; offices of six clerks in Chancery (Ireland).—*Sects. 3, 4, 5, and 6 repealed.*
- 55 Geo. 3, c. 129.—Drawbacks and countervailing duties on tobacco; exportation of wine.—*The whole repealed.*
- 55 Geo. 3, c. 135.—Customs regulations as to Newfoundland blubber and train oil.—*The whole repealed.*
- 55 Geo. 3, c. 141.—Amendment of the act for repeal of South Sea Company's exclusive privileges of trade.—*The whole repealed.*
- 55 Geo. 3, c. 163.—Customs regulations; licenses to open boats.—*The whole repealed.*
- 55 Geo. 3, c. 168.—Amendment of laws relating to militias of Great Britain and Ireland.—*So far as relates to the militia of Scotland repealed.*
- 55 Geo. 3, c. 169.—Provision for charge of addition to funded debt.—*The whole repealed.*
- 55 Geo. 3, c. 172.—Support of captured slaves during the period of adjudication.—*The whole repealed.*
- 55 Geo. 3, c. 177.—Prevention of frauds in manufacture of sweets.—*The whole repealed.*
- 55 Geo. 3, c. 179.—Use of salt, duty free, for curing fish, &c.—*The whole repealed.*
- 55 Geo. 3, c. 181.—Customs duty on certain seeds imported.—*The whole repealed.*
- 56 Geo. 3, c. 25.—Duty on importation of butter.—*The whole repealed.*
- 56 Geo. 3, c. 26.—Duty on importation of cheese.—*The whole repealed.*
- 56 Geo. 3, c. 29.—Perpetuation of certain war duties of customs, &c.—*The whole repealed.*
- 56 Geo. 3, c. 34.—Additional duty on corks.—*The whole repealed.*
- 56 Geo. 3, c. 44.—Excise duties, &c. on soap.—*The whole repealed.*
- 56 Geo. 3, c. 59.—Excise duty on malt (Ireland).—*The whole repealed.*
- 56 Geo. 3, c. 64.—Amendment of acts relating to the militia of Great Britain.—*So far as relates to the militia of Scotland repealed.*
- 56 Geo. 3, c. 70.—Redemption of national debt (Ireland).—*The whole repealed.*
- 56 Geo. 3, c. 73.—Removal of difficulties in conviction of offenders stealing property from mines.—*The whole repealed.*
- 56 Geo. 3, c. 75.—Customs duties on rape seed, &c.—*The whole repealed.*
- 56 Geo. 3, c. 77.—Repeal of certain duties granted by the act for repealing the exclusive privileges of the South Sea Company.—*The whole repealed.*
- 56 Geo. 3, c. 79.—Customs duties on rape seed cakes, bones, &c.—*The whole repealed.*

56 Geo. 3, c. 85.—Management of customs and excise (Ireland).—*The whole repealed.*  
 56 Geo. 3, c. 86.—Aliens.—*The whole repealed.*  
 56 Geo. 3, c. 94.—Use of crushed rock salt, duty free, in manufacture of muriatic acid, &c.—*The whole repealed.*  
 56 Geo. 3, c. 113.—Beer, &c. licenses (Great Britain).—*The whole repealed.*  
 56 Geo. 3, c. 118.—Duty on oil and blubber from the North American colonies.—*The whole repealed.*  
 56 Geo. 3, c. 119.—Mutiny Act amendment.—*The whole repealed.*  
 56 Geo. 3, c. 127.—Duty on exportation of small coals from Great Britain.—*The whole repealed.*  
 56 Geo. 3, c. 133.—Provision for the annual charge of the loans of this session.—*The whole repealed.*  
 56 Geo. 3, c. 135.—Crinan Canal (Scotland).—*The whole repealed.*  
 56 Geo. 3, c. 137.—Bankrupts.—*The whole repealed.*  
 57 Geo. 3, c. 18.—Business of the Court of Exchequer (England), equity side.—*The whole repealed.*  
 57 Geo. 3, c. 30.—Interest on and periods of payments of navy, victualling, and transport bills.—*The whole repealed.*  
 57 Geo. 3, c. 32.—Excise duties on stone bottles.—*The whole repealed.*  
 57 Geo. 3, c. 49.—Laws of excise respecting salt and rock salt.—*The whole repealed.*  
 57 Geo. 3, c. 51.—Celebration of marriages (Newfoundland).—*The whole repealed.*  
 57 Geo. 3, c. 61.—Abolition of offices of wardens, chief justices, and justices in eyre of the royal forests, &c. north and south of the Trent.—*The whole repealed.*  
 57 Geo. 3, c. 63.—Regulation of offices of clerks of the signet and privy seal.—*The whole repealed.*  
 57 Geo. 3, c. 76.—Drawback on paper allowed to the universities in Scotland.—*The whole repealed.*  
 57 Geo. 3, c. 79.—Transfer from funds in Great Britain to funds in Ireland.—*The whole repealed.*  
 57 Geo. 3, c. 86.—Importation of foreign cambrics and lawns into Ireland.—*The whole repealed.*  
 57 Geo. 3, c. 88.—Fuller's earth, &c. carried coastwise.—*The whole repealed.*  
 57 Geo. 3, c. 96.—Duties on coal, &c. removed coastwise (Wales).—*The whole repealed.*  
 57 Geo. 3, c. 119.—Exemption of stone blacking bottles from duty.—*The whole repealed.*  
 57 Geo. 3, c. 123.—Excise duty on spirits made from corn in England, &c.—*The whole repealed.*  
 57 Geo. 3, c. 128.—Window duties (Scotland).—*The whole repealed.*  
 58 Geo. 3, c. 8.—Kilmainham Hospital, suspension of pensions for misconduct.—*The whole repealed.*  
 58 Geo. 3, c. 13.—Duties on licenses for retailing aqua vitæ in Scotland.—*The whole repealed.*  
 58 Geo. 3, c. 18.—Customs duties on corks ready made imported into Ireland.—*The whole repealed.*  
 58 Geo. 3, c. 21.—Excise duties on glass.—*The whole repealed.*  
 58 Geo. 3, c. 33.—Allowance for broken plate glass, &c.—*The whole repealed.*  
 58 Geo. 3, c. 36.—Execution of treaty with Spain, for preventing traffic in slaves.—*The whole repealed.*  
 58 Geo. 3, c. 41.—Collection of duties on paper (Ireland), and drawback on paper used at press of Trinity College, Dublin.—*The whole repealed.*  
 58 Geo. 3, c. 49.—Abolition of slave trade.—*The whole repealed.*  
 58 Geo. 3, c. 56.—Bounty on exportation of silk manufactures.—*The whole repealed.*  
 58 Geo. 3, c. 65.—Excise duties on vinegar or acetous acid.—*The whole repealed.*  
 58 Geo. 3, c. 75.—Preservation of game.—*The whole repealed.*  
 58 Geo. 3, c. 77.—Excise duties on rock salt.—*The whole repealed.*  
 58 Geo. 3, c. 79.—Auction duties (Ireland).—*The whole repealed.*  
 58 Geo. 3, c. 80.—Transfer from stocks in Great Britain to stocks in Ireland.—*The whole repealed.*  
 58 Geo. 3, c. 85.—Execution of convention with Portugal for preventing traffic in slaves.—*The whole repealed.*

58 Geo. 3, c. 89.—Attendance of magistrates on board outward-bound passenger vessels.—*The whole repealed.*  
 58 Geo. 3, c. 93.—Relief to bona fide holders for value of negotiable securities without notice of usurious consideration.—*The whole repealed.*  
 58 Geo. 3, c. 94.—Sea fisheries (Ireland).—*The whole repealed.*  
 58 Geo. 3, c. 98.—Abolition of the slave trade.—*The whole repealed.*  
 59 Geo. 3, c. 17.—Execution of convention with Portugal for preventing traffic in slaves.—*The whole repealed.*  
 59 Geo. 3, c. 28.—Division of courts of quarter sessions.—*The whole repealed.*  
 59 Geo. 3, c. 29.—Customs duties on mineral alkali.—*The whole repealed.*  
 59 Geo. 3, c. 36.—Making and sale of bread out of city of London and beyond bills of mortality, &c.—*The whole repealed.*  
 59 Geo. 3, c. 57.—Excise duties, salt (Great Britain).—*The whole repealed.*  
 59 Geo. 3, c. 64.—Proceedings against warden of the Fleet in vacation.—*The whole repealed.*  
 59 Geo. 3, c. 71.—Loan from Commissioners for Reduction of National Debt.—*The whole repealed.*  
 59 Geo. 3, c. 91.—Applications to courts of equity regarding charity estates (England).—*The whole repealed.*  
 59 Geo. 3, c. 97.—Trial of offences committed in Africa against the laws for abolition of the slave trade.—*The whole repealed.*  
 59 Geo. 3, c. 103.—Provisions respecting accounts to be laid before Parliament.—*The whole repealed.*  
 59 Geo. 3, c. 105.—Excise duties on spirits, certain licenses, leather and glass of carriages, &c. (Great Britain and Ireland).—*The whole repealed.*  
 59 Geo. 3, c. 113.—Premiums to ships employed in southern whale fishery.—*The whole repealed.*  
 59 Geo. 3, c. 120.—Registry of colonial slaves in Great Britain, and removal of slaves from colonies.—*The whole repealed.*  
 59 Geo. 3, c. 124.—Passenger vessels to colonies, &c.—*The whole repealed.*  
 1 Geo. 4, c. 9.—Grant of privileges of British ships to vessels built at Malta, &c.—*The whole repealed.*  
 1 Geo. 4, c. 22.—Loan from Commissioners for Reduction of National Debt.—*The whole repealed.*  
 1 Geo. 4, c. 26.—Coasting Trade (Ireland).—*The whole repealed.*  
 1 Geo. 4, c. 35.—Court of Exchequer (England), suitors' money, appointment of accountant-general, &c.—*The whole repealed.*  
 1 Geo. 4, c. 37.—Appointment of special constables by magistrates.—*The whole repealed.*  
 1 Geo. 4, c. 40.—Compensation for tithes withheld (Ireland).—*The whole repealed.*  
 1 Geo. 4, c. 72.—Lotteries.—*The whole repealed.*  
 1 Geo. 4, c. 75.—Excise duty on tobacco.—*The whole repealed.*  
 1 Geo. 4, c. 78.—Duties on spirit licenses, &c. (Ireland).—*The whole repealed.*  
 1 Geo. 4, c. 87.—Recovery of possession by landlords.—*The whole repealed.*  
 1 Geo. 4, c. 99.—Maintenance of a volunteer infantry corps by the East India Company.—*The whole repealed.*  
 1 Geo. 4, c. 102.—Indictments in respect of property belonging to partners.—*The whole repealed.*  
 1 Geo. 4, c. 115.—Abolition of capital punishment for certain offences, and substitution of other punishment.—*The whole repealed.*  
 1 Geo. 4, c. 118.—Excise duty on malt (Scotland).—*The whole repealed.*  
 1 & 2 Geo. 4, c. 14.—Free importation of cochineal and indigo.—*The whole repealed.*  
 1 & 2 Geo. 4, c. 22.—Ale and beer duties (Great Britain).—*So much as relates to certificates and increases in stock repealed.*  
 1 & 2 Geo. 4, c. 29.—Allowances in certain cases in respect of duty on Irish starch imported into Great Britain.—*The whole repealed.*  
 1 & 2 Geo. 4, c. 47.—Disfranchisement of borough of Gram-pound, and additional knights of the shire for Yorkshire.—*Sects. 2 and 3 repealed.*

- 1 & 2 Geo. 4, c. 50.—Making and sale of bread out of city of London and beyond bills of mortality, &c.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 60.—Exemption of ships in ballast in the South Sea trade from certain tonnage duties.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 70.—Loan from Commissioners for Reduction of National Debt.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 75.—Frauds by boatmen and others, and adjustment of salvage in England.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 91.—Silk and mohair, &c., bounties.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 96.—British spirits duty (Lisburne, Ireland).—*The whole repealed.*
- 1 & 2 Geo. 4, c. 99.—Slave trade.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 102.—Drawback on acetous acid exported, and exemption of drainage tiles from duty.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 105.—Amendment of laws of excise as to warehoused goods.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 110.—Horse duties.—*The whole repealed.*
- 1 & 2 Geo. 4, c. 120.—Lotteries.—*The whole repealed.*
- 3 Geo. 4, c. 25.—Starch and soap duties allowances.—*The whole repealed.*
- 3 Geo. 4, c. 32.—Duties on plain silk net or tulle.—*The whole repealed.*
- 3 Geo. 4, c. 38.—Punishment for manslaughter and for robbery by servants, and of accessories before the fact to certain felonies.—*The whole repealed.*
- 3 Geo. 4, c. 47.—Rate of interest on securities made in Great Britain on land, &c. in Ireland or the colonies.—*The whole repealed.*
- 3 Geo. 4, c. 73.—Loan from Commissioners for Reduction of National Debt.—*The whole repealed.*
- 3 Geo. 4, c. 74.—Bankrupts under joint commissions.—*The whole repealed.*
- 3 Geo. 4, c. 101.—Lotteries.—*The whole repealed.*
- 3 Geo. 4, c. 109.—Duties and drawbacks on barilla.—*The whole repealed.*
- 3 Geo. 4, c. 125.—Leases of tithes by ecclesiastical persons (Ireland).—*The whole repealed.*
- 4 Geo. 4, c. 23.—Consolidation of boards of customs and of boards of excise of Great Britain and Ireland.—*The whole repealed.*
- 4 Geo. 4, c. 45.—Assessed taxes composition.—*The whole repealed.*
- 4 Geo. 4, c. 70.—Court of Exchequer, equity side (Ireland).—*The whole repealed.*
- 4 Geo. 4, c. 77.—Duties on goods in foreign vessels, &c.—*The whole repealed, except sects. 5 and 6.*
- 4 Geo. 4, c. 78.—Stamp duty on proceedings in equity (Ireland).—*So far as relates to the equity side of the Court of Exchequer repealed.*
- 4 Geo. 4, c. 89.—Limitation of expenses of certain law proceedings (Ireland).—*Sect. 3 repealed.*
- 5 Geo. 4, c. 4.—Law proceedings (Ireland).—*The whole repealed.*
- 5 Geo. 4, c. 8.—Church lands (Ireland).—*The whole repealed.*
- 5 Geo. 4, c. 16.—Court of Exchequer, equity side (Ireland).—*The whole repealed.*
- 5 Geo. 4, c. 17.—Slave trade suppression.—*The whole repealed.*
- 5 Geo. 4, c. 26.—Barrack property.—*The whole repealed.*
- 5 Geo. 4, c. 50.—Price of bread.—*The whole repealed.*
- 5 Geo. 4, c. 54.—Beer and spirit licenses.—*Duties granted by, repealed.*
- 5 Geo. 4, c. 70.—Substitution of flour for foreign wheat in warehouses.—*The whole repealed.*
- 5 Geo. 4, c. 75.—Excise and customs duties.—*The whole repealed.*
- 5 Geo. 4, c. 85.—Gaols and houses of correction (England).—*So much as requires the making of any return in the form of the Schedule (A.) to this act repealed.*
- 5 Geo. 4, c. 106.—Courts of great sessions in Wales.—*The whole repealed.*
- 5 Geo. 4, c. 113.—Slave trade abolition.—*From sect. 13 to sect. 20, both inclusive, repealed. Sects. 37 and 42 repealed; and from sect. 52 to sect. 59, both inclusive, as to Portugal or Spain, repealed. Sects. 67 and 72 repealed.*
- 6 Geo. 4, c. 19.—Threatening letters as to accusing of infamous crimes.—*The whole repealed.*
- 6 Geo. 4, c. 56.—Indictments for forgery on partnerships.—*The whole repealed.*
- 6 Geo. 4, c. 60.—Exchequer, equity side (Ireland).—*The whole repealed.*
- 6 Geo. 4, c. 85.—Salaries and pensions of judges in India, and Bishop of Calcutta; transportation from St. Helena; administration of justice at Singapore, &c.—*Sect. 17 repealed.*
- 6 Geo. 4, c. 96.—Writs of error.—*The whole repealed.*
- 7 Geo. 4, c. 17.—Administration of justice (Durham).—*The whole repealed.*
- 7 Geo. 4, c. 20.—Stamp duties in courts of law (Ireland).—*The whole repealed.*
- 7 Geo. 4, c. 48.—Customs laws amendment.—*The whole repealed, except so much of sect. 52 as relates to excise.*
- 7 Geo. 4, c. 55.—Poll at elections of knights of the shire for the county of York.—*The whole repealed.*
- 7 & 8 Geo. 4, c. 34.—Ministers' money (Ireland).—*The whole repealed.*
- 7 & 8 Geo. 4, c. 46.—General Register-house (Edinburgh).—*The whole repealed.*
- 7 & 8 Geo. 4, c. 66.—Grants of Crown lands for public buildings and cemeteries.—*The whole repealed.*
- 9 Geo. 4, c. 9.—Sessions of the peace (Westminster).—*The whole repealed.*
- 9 Geo. 4, c. 59.—Mode of taking the poll at parliamentary elections for boroughs (England).—*The whole repealed.*
- 9 Geo. 4, c. 72.—Bombay marine.—*The whole repealed.*
- 9 Geo. 4, c. 76.—Customs.—*The whole repealed.*
- 9 Geo. 4, c. 84.—Slave trade abolition.—*The whole repealed.*
- 9 Geo. 4, c. 93.—Delivery of sugar out of bond to be refined.—*The whole repealed.*
- 10 Geo. 4, c. 16.—Appointment of writers in the East India Company's service.—*The whole repealed.*
- 11 Geo. 4 & 1 Will. 4, c. 10.—Maintenance of families of smugglers sentenced to serve in the navy.—*The whole repealed.*
- 11 Geo. 4 & 1 Will. 4, c. 69.—Judicial establishments (Scotland).—*Sect. 42 repealed.*
- 1 Will. 4, c. 3.—Administration of justice, law terms, &c.—*Sects. 5 and 6 repealed.*
- 2 & 3 Will. 4, c. 13.—Presentments, baronies of St. Sepulchres and Donore (Ireland).—*The whole repealed.*
- 2 & 3 Will. 4, c. 31.—Regulation of baking trade (Ireland).—*The whole repealed.*
- 2 & 3 Will. 4, c. 41.—Recovery of tithes (Ireland).—*The whole repealed.*
- 2 & 3 Will. 4, c. 49.—Office of clerks of the signet and privy seal.—*The whole repealed.*
- 3 & 4 Will. 4, c. 10.—Cotton wool customs duty.—*The whole repealed.*
- 3 & 4 Will. 4, c. 16.—Excise duties on soap.—*The whole repealed.*
- 3 & 4 Will. 4, c. 17.—Manufacture of stone blue.—*The whole repealed.*
- 3 & 4 Will. 4, c. 41.—Judicial Committee of Privy Council.—*Sects. 22, 25, 26, and 27 repealed.*
- 3 & 4 Will. 4, c. 98.—Bank of England privileges.—*Sect. 7 repealed.*
- 4 & 5 Will. 4, c. 32.—Reduction of tonnage rates in the port of London.—*Sect. 4 repealed.*
- 4 & 5 Will. 4, c. 89.—Customs.—*The whole repealed.*
- 5 & 6 Will. 4, c. 32.—Tea duties.—*The whole repealed.*
- 5 & 6 Will. 4, c. 37.—Militia staff reduction and ballots suspension.—*The whole repealed.*
- 5 & 6 Will. 4, c. 40.—Duties on wood, the produce of places in Europe.—*The whole repealed.*
- 6 & 7 Will. 4, c. 25.—Postage, Milford and Waterford.—*The whole repealed.*
- 6 & 7 Will. 4, c. 26.—Sugar duties.—*The whole repealed.*
- 6 & 7 Will. 4, c. 61.—Shipowners' liability for losses by fire.—*The whole repealed.*
- 6 & 7 Will. 4, c. 101.—Parliamentary elections; list of voters; returning officers (England).—*Sect. 3 repealed.*
- 6 & 7 Will. 4, c. 112.—Court of Exchequer, equity side.—*The whole repealed.*

- 7 Will. 4 & 1 Vict. c. 51.—Loans for public works and fisheries.—*Section 11 repealed.*
- 7 Will. 4 & 1 Vict. c. 70.—Haileybury College, &c.—*Sections 1, 2, 3, and 7, and so much of sect. 5 as relates to admission to Haileybury College, repealed.*
- 7 Will. 4 & 1 Vict. c. 85.—Amendment of laws relating to offences against the person.—*Section 11 repealed.*
- 1 & 2 Vict. c. 10.—Banking and other co-partnerships, in which spiritual persons are interested, validity of contracts.—*The whole repealed.*
- 1 & 2 Vict. c. 22.—Haileybury College.—*The whole repealed.*
- 1 & 2 Vict. c. 54.—Investment of suitors' money, Courts of Chancery and Exchequer.—*Sections 3 and 4 repealed.*
- 1 & 2 Vict. c. 120.—Duchy of Cornwall tin duties.—*Section 8 repealed.*
- 2 & 3 Vict. c. 14.—Certain appointments in cathedral churches (England).—*The whole repealed.*
- 3 & 4 Vict. c. 17.—Customs, excise, and assessed taxes.—*So much as relates to customs duties and drawbacks repealed.*
- 3 & 4 Vict. c. 34.—Masters in Chancery.—*The whole repealed.*
- 3 & 4 Vict. c. 49.—Excise duties on soap.—*The whole repealed.*
- 4 & 5 Vict. c. 13.—South Australia, loan to Colonisation Commissioners.—*The whole repealed.*
- 5 & 6 Vict. c. 89.—Drainage of lands (Ireland).—*Section 27 repealed.*
- 5 & 6 Vict. c. 110.—Coventry boundary.—*Section 9 repealed.*
- 6 & 7 Vict. c. 12.—Coroners' Inquests.—*Section 4 repealed.*
- 6 & 7 Vict. c. 29.—Duties on wheat, &c. imported from Canada.—*The whole repealed.*
- 7 & 8 Vict. c. 28.—Sugar duties.—*The whole repealed.*
- 7 & 8 Vict. c. 33.—County rates and high constables.—*So far as relates to county rates repealed.*
- 8 & 9 Vict. c. 5.—Sugar duties.—*The whole repealed.*
- 8 & 9 Vict. c. 18.—Excise duties on sugar.—*The whole repealed.*
- 8 & 9 Vict. c. 48.—Oaths dispensation, bankruptcy.—*The whole repealed.*
- 9 & 10 Vict. c. 22.—Corn importation.—*The whole repealed.*
- 9 & 10 Vict. c. 58.—Duties of customs on books and engravings.—*The whole repealed.*
- 9 & 10 Vict. c. 63.—Sugar duties.—*The whole repealed.*
- 9 & 10 Vict. c. 94.—Reduction of duties of customs by legislatures of certain British possessions.—*The whole repealed.*
- 10 & 11 Vict. c. 45.—Prisoners' removal in certain cases (Ireland).—*The whole repealed.*
- 10 & 11 Vict. c. 85.—Post-offices.—*Section 11 repealed.*
- 12 & 13 Vict. c. 19.—Removal of prisoners from gaols in cases of epidemic diseases.—*The whole repealed.*
- 12 & 13 Vict. c. 70.—Summary convictions (Ireland).—*The whole repealed.*
- 12 & 13 Vict. c. 83.—Metropolitan sewers.—*The whole repealed.*
- 13 & 14 Vict. c. 14.—Advances to distressed unions (Ireland).—*The whole repealed.*
- 13 & 14 Vict. c. 67.—Excise on sugar, and brewers' and distillers' licenses.—*Section 3 repealed.*
- 14 & 15 Vict. c. 89.—Metropolitan Interment Act, 1850, amendment.—*The whole repealed.*
- 15 & 16 Vict. c. 16.—Repayment of Advances (Ireland) Act, amendment.—*The whole repealed.*
- 16 & 17 Vict. c. 54.—Customs duties.—*The whole repealed.*
- 16 & 17 Vict. c. 125.—Metropolitan Sewers Acts, continuance and amendment.—*The whole repealed.*

#### CAP. CII.

An Act to amend the Tramways (Ireland) Act, 1860.  
[6th August, 1861.]

#### CAP. CIII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1861, and to appropriate the Supplies granted in this Session of Parliament.  
[6th August, 1861.]

Section 1. There shall be applied for the service of the year 1861 the sum of 32,605,936*l.* 1*1s.* 5*d.* out of the Consolidated Fund.

2. The Treasury may cause 32,605,936*l.* 1*1s.* 5*d.* of Exchequer bills to be made out in manner prescribed by stats. 48 Geo. 3, c. 1; 4 & 5 Will. 4, c. 15; and 5 & 6 Vict. c. 66.
3. The clauses, &c. in recited acts extended to this act.
4. Interest on Exchequer bills.
5. Bank of England may advance 32,605,936*l.* 1*1s.* 5*d.* on the credit of this act, notwithstanding stats. 5 & 6 Will. & M. c. 20.
6. Bills prepared by virtue of this act to be delivered to the Bank as security for such advances.
7. Monies raised by Exchequer bills to be applied to the services voted by the Commons.
8. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.
9. Treasury may apply, for the service of the year 1861, 424,207*l.* 7*s.* surplus of ways and means.
10. Appropriation of ways and means to services hereafter expressed.
11. There shall be issued 12,276,250*l.* for navy services, viz. 3,122,580*l.* for wages to 78,200 seamen and marines, &c.;—1,328,250*l.* for victuals, &c. in the navy;—161,157*l.* for salaries, &c. in Admiralty office;—253,421*l.* for salaries, &c. of coast guard, naval coast, volunteers, and naval reserve;—63,851*l.* for the navy scientific departments;—172,947*l.* for naval establishments at home;—33,640*l.* for naval establishments abroad;—1,112,126*l.* for wages of artificers, &c. at home;—67,828*l.* for wages to artificers, &c. abroad;—66,000*l.* for medicines, &c.;—90,510*l.* for naval miscellaneous services;—684,016*l.* for naval half-pay, &c.;—480,430*l.* for military pensions;—180,397*l.* for civil pensions;—247,000*l.* for freight of ships, victualling, and conveyance of troops, &c.;—3,489,477*l.* for naval stores, &c.;—400,610*l.* for new works in naval establishments;—250,000*l.* for building iron ships by contract, &c.

12. There shall be issued 206,629*l.* 10*s.* 9*d.* for army services, 1859–60.

13. There shall be issued 6,071,029*l.* for army services, viz. 800,447*l.* for wages of artificers, &c.;—525,416*l.* for clothing and necessaries;—1,456,834*l.* for provisions, barrack furniture, &c.;—2,300,581*l.* for stores for land and sea service;—158,185*l.* for fortifications;—179,407*l.* for civil buildings;—690,159*l.* for barracks;—9,202,722*l.* for other army services, viz. 4,780,000*l.* for pay, &c. of land forces, exclusive of India;—648,096*l.* for miscellaneous charges of ditto;—201,833*l.* for departments of Secretary for War and Commander-in-Chief;—398,695*l.* for manufacturing departments, &c.;—133,276*l.* for volunteer corps;—261,014*l.* for educational and scientific branches;—24,900*l.* for rewards of military services;—78,600*l.* for general officers;—490,669*l.* for reduced and retired officers;—181,363*l.* for pensions to widows of officers, and compassionate list;—42,953*l.* for pensions, &c. to wounded officers;—32,409*l.* for in-pensioners, &c. of Chelsea and Kilmainham Hospitals;—1,124,363*l.* for out-pensioners of Chelsea Hospital;—138,161*l.* for superannuation and retired allowances;—637,000*l.* for disembodied militia;—90,000*l.* for farther charges on account of volunteer corps.

14. There shall be issued 53,430*l.* 15*s.* 10*d.* for war with Russia (excess of expenditure).

15. There shall be issued 1,000,000*l.* for naval and military operations in China.

16. There shall be issued 7,225,500*l.* for Exchequer bills.

17. There shall be issued 30,000*l.* for marriage portion of her Royal Highness the Princess Alice Maud Mary.

18. There shall be issued 17,983*l.* 1*1s.* 10*d.* for revenue departments' non-effective charges (excess of expenditure).

19. There shall be issued 750,000*l.* for customs department;—1,440,000*l.* for Inland Revenue Department;—2,050,000*l.* for Post Office, &c.;—919,936*l.* for packet service;—688,574*l.* for superannuations, &c., Customs, Inland Revenue, and Post Office.

20. There shall be issued 75,000*l.* for civil contingencies.

#### Civil Services.—Class 1.

21. There shall be issued 38,214*l.* for repair of royal palaces;—85,470*l.* for maintenance, &c. of public buildings, temporary accommodation, &c.;—22,400*l.* for furniture for public departments;—98,298*l.* for maintenance, &c. of royal parks, pleasure grounds, &c.;—54,602*l.* for new Houses of Parliament;—8095*l.* for embassy houses, &c. abroad;—2962*l.* for new consular offices and prison at Constantinople;

—53,000*l.* for western approaches to Westminster Bridge;—64,000*l.* for Westminster Bridge;—8200*l.* for new buildings, General Register House, Edinburgh;—11,200*l.* for Industrial Museum, Edinburgh;—6870*l.* for King's and Marischal Colleges, Aberdeen University;—800*l.* for stained glass window in Glasgow Cathedral;—413*l.* for plan and estimate, main drainage of London;—3000*l.* for National Gallery &c., Dublin;—160,000*l.* for harbours of refuge;—46,702*l.* for new packet harbour and harbour of refuge at Holyhead, &c.;—64,568*l.* for erecting, &c. public buildings, Ireland;—2024*l.* for works, &c. of Kingstown Harbour;—5000*l.* for erecting, &c. sheriff courts, Scotland;—32,600*l.* for erecting, &c. lighthouses abroad;—5000*l.* for Highland roads and bridges;—35,000*l.* for contributions in aid of poor relief assessments;—30,000*l.* towards erecting a new Foreign Office.

#### *Civil Services.—Class 2.*

22. There shall be issued 50,599*l.* for salaries, &c. of Houses of Parliament;—53,173*l.* for the Treasury;—25,753*l.* for the Home Department;—62,715*l.* for Foreign Department;—30,449*l.* for the Department of Colonies;—20,508*l.* for Privy Council;—59,595*l.* for Committee of Privy Council for Trade, &c.;—2760*l.* for Lord Privy Seal;—6106*l.* for Civil Service Commission;—13,550*l.* for Paymaster-General's Department;—6840*l.* for Department of Comptroller-General of Exchequer;—30,333*l.* for Office of Commissioners of Works and Public Buildings;—25,708*l.* for Office of Woods, Forests, &c.;—13,753*l.* for Public Record Department and State Paper Office;—184,711*l.* for administration of poor laws;—72,357*l.* for the mint;—21,305*l.* for salaries, &c. of inspectors of factories, mines, &c.;—6284*l.* for civil charges, &c. Scotland;—6431*l.* for officers, &c. of Lord Lieutenant of Ireland;—10,339*l.* for Chief Secretary, &c., Ireland;—4108*l.* for inspection, &c. of lunatic asylums, Ireland;—24,570*l.* for Board of Public Works, Ireland;—33,092*l.* for Department of Commissioners for auditing Public Accounts;—20,020*l.* for Copyhold, Inclosure, and Tithe Commission;—12,190*l.* for impropriety expenses, &c. of Copyhold, Inclosure, and Tithe Commission;—47,103*l.* for salaries, &c. General Register Office, London, Dublin, and Edinburgh;—14,482*l.* for salaries, &c., National Debt Office;—4120*l.* for salaries, &c. Public Works Loan Commission, &c.;—6975*l.* for Lunacy Commission, England, and salaries, &c. Lunacy Board, Scotland;—1223*l.* for general superintendent of county roads in South Wales;—2273*l.* for registrars of friendly societies, England, Scotland, and Ireland;—17,398*l.* for Charity Commission;—5055*l.* for salaries, &c. of office under the Local Government Act, and inspection of burial grounds;—1192*l.* for collecting agricultural and emigration statistics, Ireland;—2113*l.* for salaries in Land Revenue Records and Inrolments, London, &c.;—1644*l.* for quarantine expenses;—32,000*l.* for foreign and other secret services;—416,218*l.* for stationery, &c. for public departments;—100,148*l.* for postage of letters on the public service.

#### *Civil Services.—Class 3.*

23. There shall be issued 32,395*l.* for law charges and office of Solicitor to the Treasury, &c.;—167,000*l.* for prosecutions at assizes and quarter sessions, &c.;—224,575*l.* for police in counties and boroughs in England and Wales, and police in Scotland;—3020*l.* for Crown Office, Queen's Bench;—10,950*l.* for Department of Registrar of the Admiralty, and Admiralty Court, Dublin;—6176*l.* for Insolvent Debtors Court;—71,960*l.* for Court of Probate, &c.;—200,320*l.* for county courts;—21,355*l.* for police courts of the metropolis; 136,204*l.* for metropolitan police;—3500*l.* for Queen's Prison;—17,850*l.* for revising barristers, England and Wales;—3342*l.* for Lord Advocate and Solicitor General, Scotland;—18,213*l.* for salaries, Court of Session, Scotland;—11,071*l.* for Court of Justiciary, Scotland;—4000*l.* for criminal prosecutions by Lord Advocate;—1690*l.* for certain officers in the Exchequer in Scotland;—25,000*l.* for criminal prosecutions, &c. in Scotland;—18,935*l.* for procurators fiscal in Scotland;—11,730*l.* for sheriff clerks, Scotland;—2200*l.* for expenses in matters of tithes, &c.;—17,457*l.* for General Register House, Edinburgh;—2425*l.* for Department of Commissary Clerk, Edinburgh;—1528*l.* for Department of Accountant in Bankruptcy, Scotland;—61,684*l.* for criminal prosecutions, &c., Ireland;—4063*l.* for Court of Chancery, Ireland;—18,851*l.* for Courts of Queen's Bench, Common Pleas, &c., Ireland;—5632*l.* for registrars to judges, Ireland,

&c.;—4000*l.* for compensations to seneschals of manor courts, Ireland;—2319*l.* for office for registration of judgments in Ireland;—300*l.* for fees to advocates, High Court of Delegates;—7888*l.* for salaries, &c. of Court of Bankruptcy, &c., Ireland;—7380*l.* for Court of Probate, &c., Ireland;—11,311*l.* for Landed Estates Court, Ireland;—2253*l.* for Consolidated Office of Writs, Four Courts, Dublin;—450*l.* for revising barristers, Dublin;—47,051*l.* for salaries of police justices, metropolitan police, &c., Dublin;—696,947*l.* for constabulary force, Ireland;—2717*l.* for Four Courts, Marshalsea, Dublin;—17,695*l.* for general superintendence of prisons, &c.;—356,879*l.* for Government prisons and convict establishments at home;—211,976*l.* for maintenance of prisoners and removal of convicts;—15,776*l.* for transportation of convicts;—150,590*l.* for convict establishments in the colonies.

#### *Civil Services.—Class 4.*

24. There shall be issued 803,794*l.* for public education, Great Britain;—111,484*l.* for Department of Science and Art, &c.;—285,377*l.* Public Education, Ireland;—1,257*l.* for Secretary, &c. of Commissioners of Education, Ireland;—4995*l.* for University of London;—16,285*l.* for Scottish Universities;—2336*l.* for Queen's University, Ireland;—4800*l.* for Queen's Colleges, Ireland;—500*l.* for Royal Irish Academy;—2500*l.* for theological professors, retired allowances, &c., Belfast;—12,134*l.* for expenses, purchase of pictures, &c. of the National Gallery;—2000*l.* for gallery of portraits of eminent persons;—3000*l.* for purchasing objects of art from Prince Soltykoff's collection;—7620*l.* for magnetic observations abroad, &c.;—500*l.* for Royal Geographical Society;—1000*l.* for experiments by Royal Society;—100,414*l.* for salaries, &c. at British Museum, including buildings, &c.

#### *Civil Services.—Class 5.*

25. There shall be issued 4300*l.* for civil establishment, Bermudas;—6278*l.* for ecclesiastical establishment of British North American provinces;—1600*l.* for Indian Department, Canada;—17,800*l.* for British Columbia;—14,728*l.* for salaries of West Indian and Colonial governors;—5706*l.* for stipendiary justices in West Indies and Mauritius;—15,230*l.* for civil establishments, West Coast of Africa;—5954*l.* for St. Helena;—700*l.* for officers employed in Orange River Territory;—15,000*l.* for improvement of Kaffirs, and government of British Kaffraria;—960*l.* for Heligoland;—3086*l.* for Falkland Islands;—8014*l.* for Labuan;—500*l.* for Pitcairn's Islanders;—1800*l.* for inquiry concerning sovereignty of Fiji Islands;—10,090*l.* for Emigration Board and officers;—125,098*l.* for expenses on account of Treasury chest;—5000*l.* for expedition to River Zambesi;—7000*l.* for expedition to River Niger;—2000*l.* for exploration in the north-western part of Australia;—50,000*l.* for support of captured negroes and liberated Africans, &c.;—4750*l.* for mixed commissions for suppressing the slave trade;—168,143*l.* for consular establishments abroad;—64,646*l.* for establishments in China, Japan, and Siam;—40,000*l.* for extraordinary disbursements of embassies and missions abroad;—50,000*l.* for special missions, outfits, &c.;—60,000*l.* for surveying boundary line in western part of North America.

#### *Civil Services.—Class 6.*

26. There shall be issued 185,140*l.* for superannuation allowances, and compensations, public service;—10,000*l.* for compensation under Probates and Letters of Administration Acts, 1857;—1040*l.* for Toulonese and Corsican emigrants, &c.;—325*l.* for the Refuge for the Destitute;—3210*l.* for Polish refugees, &c.;—3951*l.* for miscellaneous allowances formerly defrayed from civil list, &c.;—2539*l.* for treasurers of public infirmaries, Ireland;—2600*l.* for Westmoreland Lock Hospital, Dublin;—700*l.* for Rotunda Lying-in Hospital, Dublin;—200*l.* for Coombe Lying-in Hospital, Dublin;—7600*l.* for hospitals of House of Industry, Dublin;—2500*l.* for House of Recovery and Fever Hospital, Dublin;—600*l.* for Meath Hospital, Dublin;—100*l.* for St. Mark's Ophthalmic Hospital, Dublin;—1300*l.* for Dr. Stevens' Hospital, Dublin;—265*l.* for Board of Superintendence of Hospitals, Dublin;—58,700*l.* for pensions to masters, &c. of merchant service;—20,400*l.* for distressed British seamen abroad;—8721*l.* for charitable allowances charged on Concordatum Fund in Ireland, &c.;—39,747*l.* for nonconforming, &c. ministers in Ireland.



*Civil Services.—Class 7.*

27. £3750 for Ecclesiastical Commissioners, England;—18,706*l.* for salaries, &c. for sundry temporary commissions;—29,005*l.* for fees, &c. under Patent-law Amendment Act;—13,018*l.* for Board of Fisheries, Scotland;—2000*l.* for annuity to Board of Manufacturers, Scotland;—35,000*l.* for dues payable under treaties of reciprocity;—3500*l.* for inspectors of corn returns;—1000*l.* for defining boundaries of counties, &c., Ireland;—126,930*l.* for expenses of census;—26,457*l.* for engagements with telegraph companies;—36,600*l.* for telegraphic communication between Malta and Alexandria;—155,000*l.* for redemption of State tolls.

28. Supplies to be applied only for the purposes aforesaid.  
29. Expenditure for navy and army services respectively to be confined to the separate services for which granted. Treasury may, on application, alter the proportionate amounts for such separate services, provided the total grant to each department be not exceeded.

30. Rules to be observed in the application of the sum appropriating half-pay. Not to prevent the receiving of half-pay under any act relating to the general or local militia, &c.

31. Paymaster-General, by permission of the Treasury, may issue half-pay to officers appointed to civil offices since July, 1828.

32. An account of the number of officers so receiving half-pay to be laid before Parliament annually. Treasury may authorise military officers in civil employments to receive half-pay in certain cases. Half-pay allowances to chaplains of regiments not holding ecclesiastical benefices derived from the Crown.

33. Widows, &c. claiming pensions to make required declaration.

34. Declarations to be made as specified in the 5 & 6 Will. 4, c. 62.

**CAP. CIV.**

An Act for establishing High Courts of Judicature in India.  
[6th August, 1861.]

*Sect. 1. High courts may be established in the several presidencies of India.*

2. *Constitution of high courts.*
3. *Certain existing judges herein named to be the first judges of the high court.*
4. *Tenure of office of judges of high courts.*
5. *Precedence of judges of high courts.*
6. *Salaries, &c. of judges of the high courts.*
7. *Provision for vacancy of the office of chief justice or other judge.*
8. *Abolition of supreme courts and sudder courts.*
9. *Jurisdiction and powers of high courts.*
10. *High courts to exercise same jurisdiction as supreme courts.*
11. *Existing provisions applicable to supreme courts to apply to high courts.*
12. *Provision as to pending proceedings in abolished courts.*
13. *Power to high courts to provide for exercise of jurisdiction by single judges or division courts.*
14. *Chief justice to determine what judges shall sit alone, or in the division courts.*
15. *High court to superintend and to frame rules of practice for subordinate courts.*
16. *Her Majesty may establish a high court in the north-western provinces.*
17. *Other or supplemental charters may be granted within three years after establishment of a court.*
18. *Territorial limits of jurisdiction of courts may be altered by order in council.*
19. *Interpretation of terms.*

*Sect. 1.* It shall be lawful for her Majesty, by letters-patent, under the great seal of the United Kingdom, to erect and establish a high court of judicature at Fort William, in Bengal, for the Bengal division of the presidency of Fort William aforesaid, and by like letters-patent to erect and establish like high courts at Madras and Bombay for those presidencies respectively, such high courts to be established in the said several presidencies at such time, or respective times, as to her Majesty may seem fit, and the high court to be established under any such letters-patent in any of the said presidencies shall be deemed to be established from and

after the publication of such letters-patent in the same presidency, or such other time as in such letters-patent may be appointed in this behalf.

2. The high court of judicature at Fort William, in Bengal, and at the presidencies of Madras and Bombay respectively, shall consist of a chief justice and as many judges, not exceeding fifteen, as her Majesty may from time to time think fit and appoint, who shall be selected from—

- 1st. Barristers of not less than five years' standing; or,
- 2nd. Members of the covenanted civil service of not less than ten years' standing, and who shall have served as zillah judges, or shall have exercised the like powers as those of a zillah judge for at least three years of that period; or,
- 3rd. Persons who have held judicial office not inferior to that of principal sudder ameen or judge of a small cause court for a period of not less than five years; or,
- 4th. Persons who have been pleaders of a sudder court or high court for a period of not less than ten years, if such pleaders of a sudder court shall have been admitted as pleaders of a high court:

Provided that not less than one-third of the judges of such high courts respectively, including the chief justice, shall be barristers, and not less than one-third shall be members of the covenanted civil service.

3. Provided always, that the persons who at the time of the establishment of such high court in any of the said presidencies are judges of the supreme court of judicature and permanent judges of the court of sudder dewanny adawlut or sudder adawlut of the same presidency shall be and become judges of such high court without further appointment for that purpose; and the chief justice of such supreme court shall become the chief justice of such high court.

4. All the judges of the high courts established under this act shall hold their offices during her Majesty's pleasure: provided that it shall be lawful for any judge of a high court to resign such office of judge to the Governor-General of India in council, or governor in council of the presidency in which such high court is established.

5. The chief justice of any such high court shall have rank and precedence before the other judges of the same court, and such of the other judges of such court as on its establishment shall have been transferred thereto from the supreme court shall have rank and precedence before the judges of the high court not transferred from the supreme court, and, except as aforesaid, all the judges of each high court shall have rank and precedence according to the seniority of their appointments, unless otherwise provided in their patents.

6. Any chief justice or judge transferred to any high court from the supreme court shall receive the like salary and be entitled to the like retiring pension and advantage as he would have been entitled to for and in respect of service in the supreme court if such court had been continued, his service in the high court being reckoned as service in the supreme court; and, except as aforesaid, it shall be lawful for the Secretary of State in council of India to fix the salaries, allowances, furloughs, retiring pensions, and (where necessary) expenses for equipment and voyage of the chief justices and judges of the several high courts under this act, and from time to time to alter the same: provided always, that such alteration shall not affect the salary of any judge appointed prior to the date thereof.

7. Upon the happening of a vacancy in the office of chief justice, and during any absence of a chief justice, the Governor-General in council, or governor in council, as the case may be, shall appoint one of the judges of the same high court to perform the duties of chief justice of the said court until some person has been appointed by her Majesty to the office of chief justice of the same court, and has entered on the discharge of the duties of such office, or until the chief justice has returned from such absence: and upon the happening of a vacancy in the office of any other judge of any such high court, and during any absence of any such judge, or on the appointment of any such judge to act as chief justice, it shall be lawful for the Governor-General in council, or governor in council, as the case may be, to appoint a person, with such qualifications as are required in persons to be appointed to the high court, to act as a judge of the said high

court, and the person so appointed shall be authorised to sit and to perform the duties of a judge of the said court until some person has been appointed by her Majesty to the office of judge of the same court, and has entered on the discharge of the duties of such office, or until the absent judge has returned from such absence, or until the Governor-General in council, or governor in council as aforesaid, shall see cause to cancel the appointment of such acting judge.

8. Upon the establishment of such high court as aforesaid in the presidency of Fort William, in Bengal, the supreme court and the court of sudder dewanny adawlut, and sudder nizamat adawlat at Calcutta, in the same presidency, shall be abolished :

And upon the establishment of such high court in the presidency of Madras, the supreme court and the court of sudder adawlut and foudjarry adawlut, in the same presidency, shall be abolished :

And upon the establishment of such high court in the presidency of Bombay, the supreme court and the court of sudder dewanny adawlut, and sudder foudjarry adawlut, in the same presidency, shall be abolished :

And the records and documents of the several courts so abolished in each presidency shall become and be records and documents of the high court established in the same presidency.

9. Each of the high courts to be established under this act shall have and exercise all such civil, criminal, admiralty and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the presidency for which it is established, as her Majesty may by such letters-patent as aforesaid, grant and direct, subject, however, to such directions and limitations as to the exercise of original civil and criminal jurisdiction beyond the limits of the presidency towns as may be prescribed thereby ; and, save as by such letters-patent may be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor-General of India in council, the high court to be established in each presidency shall have and exercise all jurisdiction and every power and authority whatsoever in any manner vested in any of the courts in the same presidency abolished under this act at the time of the abolition of such last-mentioned courts.

10. Until the Crown shall otherwise provide under the powers of this act, all jurisdiction now exercised by the supreme courts of Calcutta, Madras, and Bombay respectively, over inhabitants of such parts of India as may not be comprised within the local limits of the letters-patent to be issued under this act establishing high courts at Fort William, Madras, and Bombay, shall be exercised by such high courts respectively.

11. Upon the establishment of the said high courts in the said presidencies respectively all provisions then in force in India of acts of Parliament, or of any orders of her Majesty in council, or charters, or of any acts of the Legislature of India, which at the time or respective times of the establishment of such high courts are respectively applicable to the supreme courts at Fort William in Bengal, Madras, and Bombay respectively, or to the judges of those courts, shall be taken to be applicable to the said high courts, and to the judges thereof respectively, so far as may be consistent with the provisions of this act, and the letters-patent to be issued in pursuance thereof, and subject to the legislative powers in relation to the matters aforesaid of the Governor-General of India in council.

12. From and after the abolition of the courts abolished as aforesaid in any of the said presidencies, the high court of the same presidency shall have jurisdiction over all proceedings pending in such abolished courts at the time of the abolition thereof ; and such proceedings, and all previous proceedings in the said last-mentioned courts, shall be dealt with as if the same had been had in the said high court, save that any such proceedings may be continued, as nearly as circumstances permit, under and according to the practice of the abolished courts respectively.

13. Subject to any laws or regulations which may be made by the Governor-General in council, the high court established in any presidency under this act may, by its own rules, provide for the exercise, by one or more judges, or by division

courts constituted by two or more judges of the said high court, of the original and appellate jurisdiction vested in such court, in such manner as may appear to such court to be convenient for the due administration of justice.

14. The chief justice of each high court shall from time to time determine what judge in each case shall sit alone, and what judges of the court, whether with or without the chief justice, shall constitute the several division courts as aforesaid.

15. Each of the high courts established under this act shall have superintendence over all courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, and to direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction, and shall have power to make and issue general rules for regulating the practice and proceedings of such courts, and also to prescribe forms for every proceeding in the said courts for which it shall think necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the officers, and also to settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts, and from time to time to alter any such rule or form or table ; and the rules so made, and the forms so framed, and the tables so settled, shall be used and observed in the said courts, provided that such general rules and forms and tables be not inconsistent with the provisions of any law in force, and shall, before they are issued, have received the sanction, in the presidency of Fort William, of the Governor-General in council, and in Madras or Bombay, of the governor in council of the respective presidencies.

16. It shall be lawful for her Majesty, if at any time hereafter her Majesty see fit so to do, by letters-patent under the great seal of the United Kingdom, to erect and establish a high court of judicature in and for any portion of the territories within her Majesty's dominions in India not included within the limits of the local jurisdiction of another high court, to consist of a chief justice, and of such number of other judges, with such qualifications as are required in persons to be appointed to the high courts established at the presidencies hereinbefore mentioned, as her Majesty from time to time may think fit and appoint ; and it shall be lawful for her Majesty, by such letters-patent, to confer on such court any such jurisdiction, powers, and authority as under this act is authorised to be conferred on or will become vested in the high court to be established in any presidency hereinbefore mentioned ; and, subject to the directions of such letters-patent, all the provisions of this act having reference to the high court established in any such presidency, and to the chief justice and other judges of such court, and to the Governor-General or governor of the presidency in which such high court is established, shall, as far as circumstances may permit, be applicable to the high court established in the said territories, and to the chief justice and other judges thereof, and to the person administering the government of the said territories.

17. It shall be lawful for her Majesty, if her Majesty shall so think fit, at any time within three years after the establishment of any high court under this act, by her letters-patent to revoke all or such parts or provisions as her Majesty may think fit of the letters-patent by which such court was established, and to grant and make such other powers and provisions as her Majesty may think fit, and as might have been granted or made by such first letters-patent, or, without any such revocation as aforesaid, by like letters-patent to grant and make any additional or supplementary powers and provisions which might have been granted or made in the first instance.

18. It shall be lawful for her Majesty, from time to time, by her order in council, to transfer any territory or place from the jurisdiction of one to the jurisdiction of any other of the high courts established under this act, and generally to alter and determine the territorial limits of the jurisdiction of the said several courts as to her Majesty, with the advice of her privy council, may seem meet.

19. The word "barrister" in this act shall be deemed to include barristers of England or Ireland, or members of the faculty of advocates in Scotland ; and the words "Governor-General" and "Governor" shall comprehend the officer administering the government.

# CAP. CV.

An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices.

[6th August, 1861.]

- Sect. 1. *No grant by any future prebendary, rector, &c. to be valid unless made in conformity with the provisions of certain acts.*
2. *Reserving rights of present incumbents, and other rights.*
3. *Rectors to have same powers of sale as are possessed by ecclesiastical corporations.*

Whereas there are in England certain ecclesiastical benefices to which belong manors, lands, tenements, and hereditaments which, by custom or otherwise, the rectors, vicars, perpetual curates, or incumbents thereof have power to grant and lease out for lives and long terms of years, and such grants have been made by them at nominal annual rents, to the prejudice of their successors, and it is expedient to determine and put an end to the power to make such grants: be it therefore enacted &c. as follows:—

Sect. 1. It shall not be lawful for any prebendary of any prebend, not being a prebend of any cathedral or collegiate church, rector, vicar, perpetual curate, or incumbent, who, after the passing of this act, may become possessed of or entitled to any manors, lands, tenements, or hereditaments belonging to any ecclesiastical benefice in England, to make any grant by copy of court roll or lease of any such manors, lands, tenements, or hereditaments in consideration of any fine, premium, or foregift, but the same may, by any rector, vicar, perpetual curate, or incumbent appointed after the passing of this act, be leased, sold, exchanged, or enfranchised, or disposed of under the provisions of a certain act passed in the session of Parliament held in the 5 & 6 Vict. c. 27, intituled "An Act for better enabling Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases;" of a certain other act passed in the same session of Parliament, chapter 108, intituled "An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years;" and of a certain other act passed in the session of Parliament held in the 21 & 22 Vict. c. 57, intituled "An Act to amend the Act of the fifth and sixth Years of her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years," or such of the provisions of such acts respectively as are now in force.

2. Nothing herein contained shall interfere with or prevent the right and power of any such present prebendary, rector, vicar, perpetual curate, or incumbent, during his incumbency, to make any grant by copy of court roll or lease which he might lawfully have made before the passing of this act, and nothing herein contained shall prejudice or affect any grant heretofore made by any such prebendary, rector, vicar, perpetual curate, or incumbent, or any right of renewal or tenant right, if any such there be, in any manors, lands, tenements, or hereditaments held under any such grant, or under any lease, nor shall this act prejudice or affect any power of sale, exchange, or enfranchisement existing under any statute now in force, or any present or future right of admission of any person to any copyhold tenement according to the custom of the manor of which it is holden, and to which such person may be legally entitled.

3. Notwithstanding anything contained in the 11th section of an act passed in the session held in the 14 & 15 Vict. c. 104, any rector, vicar, perpetual curate, or incumbent shall have such and the same powers of sale, exchange, and enfranchisement as are possessed by any ecclesiastical corporation, sole or aggregate, under any act now in force; and the provisions of an act passed in the session held in the 23 & 24 Vict. c. 124, shall, so far as the same relate to powers for the raising or application of money by trustees, allowances to lessees, arbitration, valuation, rate of interest, apportionment of rent, and substitution of titles on exchange, be applied, mutatis mutandis, to sales, exchanges, or enfranchisements of any manors, lands, tenements, or hereditaments in this act comprised; but the proceeds of any such sales or enfranchisements, and any monies received by way of equality of exchange, shall be applied according to the provisions in that behalf contained in the said act passed in the session held in

the 5 & 6 Vict. c. 108, and in the said act passed in the session held in the 21 & 22 Vict. c. 57.

# CAP. CVI.

An Act to enable the Admiralty to close the Harbour of Portpatrick, in Scotland, during the Execution of certain Works in such Harbour, sanctioned by Parliament.

[6th August, 1861.]

# CAP. CVII.

An Act to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland.

[6th August, 1861.]

The preamble recites stat. 43 Geo. 3, c. 54.

Sect. 1. Interpretation of terms.

2. Salaries of schoolmasters to be not less than 35*l.* nor more than 70*l.* per annum; but where two or more schools, salaries not to be less than 50*l.* nor more than 80*l.*

3. Salary to be fixed by the heritors and minister, and to be payable in money at the terms and under conditions now in use.

4. Heritors may discontinue existing side schools.

5. Heritors may establish a female teacher.

6. Side school teacher may be required to resign, on increasing salaries, provision being made for him during life.

7. Salaries, where not fixed at the maximum amount, may be increased.

8. Office of schoolmaster may be declared vacant where retiring salary has already been agreed upon between heritors and schoolmaster.

9. Examination by examiners appointed by the universities to come in the place of the examination by the presbytery. Examiners to hold the office for two years, but may be re-appointed; and vacancies to be filled up. Examiners to make and publish regulations, with approval of University Court. Scotland to be divided into four districts, as in Schedule (A.) Persons elected schoolmasters to be examined by the examiners.

10. Electors of schoolmaster may choose more than one candidate to be tried by examiners.

11. Commissioners of the Treasury to pay 2*l.* to each of the examiners in respect of each examination, and 1*l.* to their secretary.

12. Parochial schoolmasters not to be required to sign confession of faith or formula, but to make a declaration, and to undertake to conform to the Shorter Catechism.

13. Presbytery of the bounds may present a complaint to Secretary of State against schoolmaster.

14. Jurisdiction of the presbytery, in cases of immoral conduct or cruelty, transferred to the sheriff.

15. Expenses incurred by the complainers to be repaid out of the rogue money.

16. Repeal of clauses of the recited act requiring an estimate of the value of grain to be made at successive periods.

17. Schoolmaster's house to consist of four apartments.

18. Act not to interfere with arrangements as to retirement of schoolmaster.

19. Heritors and ministers may permit or require schoolmaster to resign.

20. Minister and heritors may grant annual allowance to schoolmaster, in addition to retiring allowance.

21. Stat. 20 & 21 Vict. c. 59, repealed.

22. Schoolmasters in royal burghs not to be required to sign confession of faith or formula of the Church of Scotland.

23. Not to affect provisions relating to parochial schools, &c.

24. Short title.

# CAP. CVIII.

An Act to provide for the winding up the Naval Medical Supplemental Fund Society.

[6th August, 1861.]

# CAP. CIX.

An Act to amend the Laws relating to Fisheries of Salmon in England.

[6th August, 1861.]

Sect. 1. Short title.

2. Application of act.

3. Commencement of act.

4. Definition of terms.

5. Penalty on mixing poisonous substances in rivers.
6. Power to have question under preceding section decided by jury.
7. Effect of issue.
8. Penalty on fishing with lights, spears, &c.
9. Penalty on using roe as a bait.
10. Penalty on using certain nets.
11. Penalty on placing or fixing fixed engines.
12. Penalty on using certain dams for catching salmon.
13. Penalty on company or person not erecting gratings to prevent the descent of salmon into artificial streams.
14. Penalty on taking unclean fish.
15. Penalty on taking the young of salmon.
16. Penalty on disturbing fish when spawning.
17. Close time.
18. Power of Home Office to extend or vary close season.
19. Penalty on selling fish during close time.
20. Removal of fixed engines during close time.
21. Weekly close time.
22. A free passage to be left through cribs or traps during weekly close time.
23. Proprietor, with consent of Home Office, may attach fish passes to existing dams.
24. Notice required before Home Office gives consent.
25. Fish passes to be attached to future dams.
26. Supply of water to fish passes.
27. Construction of free gaps.
28. Enforcing free gaps in fishing weirs.
29. Construction of boxes and cribs in fishing weirs and fishing mill dams.
30. Construction of spur walls in fishing weirs or fishing mill dams.
31. General superintendence of fisheries by Home Office.
32. Annual reports of inspectors to be laid before Parliament.
33. Justices at sessions to appoint conservators of rivers.
34. Justice may grant a warrant to enter suspected places.
35. Recovery of penalties.
36. Offences on rivers may be tried in county on either side.
37. Offences committed on sea coast where to be tried.
38. Saving clause for dredging.
39. Repeal of acts.

#### CAP. CX.

An Act for regulating the Business of Dealers in old Metals.  
[8th August, 1861.]

- Sect. 1. *Short title.*  
 2. *Commencement of act.*  
 3. *Definition of terms.*  
 4. *Penalty on dealer in old metals being in possession of stolen property.*  
 5. *Justices may order dealer to be registered.*  
 6. *Dealer to give notice of change of place of business.*  
 7. *Inspectors and sergeants of police to visit places of business of registered dealers in old metals.*  
 8. *Regulations to be observed by registered dealers in old metals.*  
 9. *Recovery of penalties.*  
 10. *Application of penalties.*  
 11. *Appeal in certain cases.*  
 12. *Limit of act.*

Sect. 1. This act may be cited for all purposes as "The Old Metal Dealers Act, 1861."

2. This act shall come into operation on the 1st January, 1862.

3. In the construction and for the purposes of this act, the term, "dealer in old metals" shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with second-hand goods or marine stores; and the term "old metals" shall mean the said articles.

4. It shall be lawful for any justice of the peace, upon complaint made before him, upon oath, that the complainant has reason to believe, and does believe, that any old metal stolen, or unlawfully obtained, is kept in any house, shop, room, or place, by any dealer in old metals within the limits of the jurisdiction of such justice, to give authority, by special warrant, to any constable or police officer to enter, in the daytime, such house, shop, room, or other place, with such assistance as may be necessary, and to search for and seize all

such old metals there found, and to carry all the articles so seized before the justice issuing the said warrant, or some other justice exercising similar jurisdiction; and such justice shall thereupon issue a summons requiring such dealer to appear before two justices, at a time and place to be named in such summons, and if such dealer shall not then and there prove to the satisfaction of such justices how he came by the said articles, or if any such dealer shall be found in possession of any old metal which has been stolen or unlawfully obtained, and on his being taken or summoned before two justices it shall be proved to the satisfaction of such justices that at the time when he received it he had reasonable cause to believe it to have been stolen or unlawfully obtained, then in either of such cases such dealer shall be liable to a penalty not exceeding 5*l.*, and, for any subsequent offence, to a penalty not exceeding 20*l.*, or, at the discretion of the justices, in the case of such second or subsequent offence, shall be imprisoned and kept to hard labour for any period not exceeding three calendar months: provided always, that nothing herein contained shall interfere with or affect any proceeding by indictment to which such dealer in old metals may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted by indictment and proceeded against under this act for the same offence.

5. When any dealer in old metals is convicted of either of the offences aforesaid, it shall be lawful for such justices, or, on proof of such conviction, for any other two justices of the same petty sessional district of a county, or city, or borough, on proof of such conviction, to order and direct that such dealer shall be registered at the principal police office of such district, or city, or borough, in a book to be kept by the chief officer of police for the purpose, according to the form No. 1 in the schedule to this act annexed, and from and after such registration such dealer shall be subject to and shall conform to the several regulations hereinafter provided, for such period, not exceeding three years, as such justices shall order; and if such dealer shall, during such period, be convicted of any offence under this act, the justices so convicting him may order such period to be extended for not more than three years from the time when such period would otherwise expire; and in like manner, whilst such dealer is subject to the regulations of this act, on any further conviction under this act, and as often as such further conviction shall take place, the justices so convicting him may order the period for which he is then subject to such regulations to be extended for not more than three years from the time when such period would otherwise expire: provided always, that where any dealer in old metals, who is also a dealer in marine stores within the meaning of the 480th section of the Merchant Shipping Act, 1854, is registered as aforesaid, he shall likewise conform to the regulations contained in the said section of the said act, and shall be liable to the penalties in the said section provided for not conforming to such regulations.

6. Every dealer in old metals who is subject to the regulations of this act as aforesaid shall, upon removing to any other place of business, give notice of such removal at the police office where he is registered, and if he shall continue to carry on business as a dealer in old metals without giving such notice he shall incur a penalty not exceeding 5*l.*, and a penalty not exceeding 10*l.* for every day after the first on which he continues to carry on such business without giving such notice; and where such dealer shall remove to any place out of the petty sessional district of a county or the city or borough in which he has been registered, it shall be the duty of the superintendent of police for such district, city, or borough to transmit a certificate of such registration signed by himself, which shall be evidence of such registration, together with a certified copy of any order of justices, as to the period for which such dealer is to be subject to the regulations of this act, to the clerk of the justices for the district, city, or borough in which such dealer has taken up his residence, and any of the justices of such district, city, or borough may thereupon issue a summons to such dealer to appear before two justices, and if it shall appear to such justices that he intends carrying on business as a dealer in old metals, such justices may order him to be registered in the same manner as provided in the 5th section of this act, and such registration shall have the same effect, during the period for which such dealer is to be subject to the regulations of this act by any order of justices as aforesaid, as in the said section provided.

7. It shall be lawful for two justices by order in writing to authorise one or more inspectors or sergeants of police to visit at any time the places of business and inspect the goods and books of dealers in old metals who are subject to the regulations of this act as aforesaid, and who carry on business within the district of a county or the city or borough for which such justices act, and every such inspector or sergeant shall and is hereby empowered to record in the book hereinafter required to be kept by every such dealer in old metals the day and hour of his visit, and place opposite the entry of every article examined by him his initials or name in attestation of the same.

8. Every dealer in old metals who is registered as aforesaid shall, during the period which the justices shall order as above provided, conform to the following regulations; that is to say—

(1). He shall keep a book or books fairly written, and shall enter therein, according to the form No. 2 in the schedule to this act annexed, an account of all such old metals as he may from time to time become possessed of, stating in respect of each article the name of the person who purchased or received the same, and the time at which and the name of the person from whom he purchased or received the same, adding in the case of every such last-mentioned person a description of his business and place of abode; and he shall also enter in such book or books, according to the form No. 3 in the schedule to this act annexed, an account of all such old metals as he may from time to time sell or dispose of, stating in respect of such old metals the name of the person to whom he sold or disposed of the same, adding a description of his business and place of abode; and every such entry in such book or books shall be deemed and taken, unless the contrary be shewn, to have been made by or with the authority of the dealer in old metals to whom such book or books belong:

(2). He shall not by himself or any other person purchase or receive any old metals of any description before the hour of nine in the morning nor after the hour of six in the evening, nor shall he by himself or any other person purchase or receive old metals of any description from any person apparently under the age of sixteen years, nor shall he employ any servant or apprentice or any other person under the age of sixteen years to purchase or receive old metals of any description:

(3). He shall produce to any inspector or sergeant of police, authorised as in the last preceding section provided, whenever thereto requested, the book or books required to be kept as aforesaid, and any old metals purchased or received by him then in his possession; and such old metals shall be deemed to be in the possession of such dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or shall have been removed with his knowledge and permission to any other place without a bona fide sale of such old metals having been made by him.

(4). He shall without delay give notice to the officer on duty at the police station nearest to the place where he carries on business of any articles then in his possession, or which shall thereafter come into his possession, answering the description of any articles which have been stolen, embezzled, or fraudulently obtained, of which printed or written information, containing a description of such articles, is given to him by any officer of police:

(5). He shall keep all old metals purchased or received by him without changing the form in which such articles were when so purchased, or disposing of the same in any way for a period of forty-eight hours after such article has been purchased or received:

For any act or default contrary to the foregoing regulations done or made by any registered dealer in old metals, during the period which the justices shall order as above provided, he shall incur a penalty of not less than 20s., and not exceeding 5l., and for every subsequent offence a penalty of not less than 5l., and not exceeding 20l.

9. Every penalty hereby incurred, and all costs directed to

be paid upon any information or complaint laid under the provisions of this act, shall be recovered summarily before any two or more justices of the peace, in the manner directed by the act of the 11 & 12 Vict. c. 43, or in such other manner as may be directed by any act or acts that may be passed for like purposes; and where any costs or expenses are incurred in or about the prosecution or carrying into effect of this act, which are not recoverable under the provisions of the above act, it shall be lawful for any two justices of the peace of any county or borough, if they shall think fit, to order and direct the same to be paid to the party incurring the same out of the same fund and in the same manner as is directed by the act of the 7 Geo. 4, c. 64, in cases of felony and misdemeanour.

10. The justices imposing any penalty under this act may, if they shall think fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in and towards payment of the expenses of the proceedings; and subject to such directions or specific application as aforesaid, all penalties shall be paid to the treasurer of the county or of the city or borough within which such penalties are recovered, and shall be carried to and from part of the county fund, or of the city or borough fund of such county, or of such city or borough respectively.

11. In all cases of convictions under the 4th section of this act, and in all other cases of convictions under this act where a sum of money exceeding 5l. shall be adjudged to be paid, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions which is holden not less than twelve days after the day of such refusal or conviction for the county, city, borough, liberty, riding, division, or place wherein the case has been tried: provided that such person shall give to the justices or the complainant, as the case may be, a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also, within such periods respectively, enter into a recognisance with two sufficient sureties before a justice of the peace, conditioned personally to appear at the said sessions and try such appeal, and abide the judgment of the court thereupon, and pay such costs as shall be by the court awarded; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet: provided always, that in case the conviction appealed against shall be under the 4th section of this act, and an order for registration has been made on such conviction, the party so convicted shall not be subject to the regulations of this act until after such appeal is heard and determined against such party.

12. This act shall extend to England only.

#### SCHEDULE.

##### No. 1.

##### Register of Dealers in old Metals.

<i>Date of Registration.</i>	<i>Date of Conviction.</i>	<i>Period for which to be subject to Regulations of this Act.</i>	<i>Name.</i>	<i>Place of Abode and Business.</i>

##### No. 2.

##### Entry of Purchases and Receipts.

<i>Day of Purchase or Receipt, and Hour of Day.</i>	<i>Description of old Metal purchased or received.</i>	<i>Name and Surname of Person who purchased or received.</i>	<i>Name and Surname of Person from whom purchased or received.</i>	<i>Business and Place of Abode of Person from whom purchased or received.</i>

Day of Sale.	Description of old Metal sold.	Name and Surname of Person to whom sold.	Business and Place of Abode or Business of Person to whom sold.

## CAP. CXI.

An Act to amend the Probates and Letters of Administration Act (Ireland), 1857. [6th August, 1861.]

The preamble recites stats. 7 & 8 Vict. c. 97, and 30 & 31 Vict. c. 79.

1. So much of stat. 30 & 31 Vict. c. 79, as provides that the judge of the Court of Probate shall be a commissioner of charitable donations, &c. repealed, and a new commissioner to be appointed in his stead.

2. No decision made by judge to be set aside by reason of such judge being a commissioner of charitable donations, &c.

## CAP. CXII.

An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban. [6th August, 1861.]

- Sect. 1. *Division of West Riding of Yorkshire.*  
 2. *Number of members in future elections.*  
 3. *Courts and polling places.*  
 4. *Provision in case of dissolution before construction of new polling district.*  
 5. *Voters for first general election.*  
 6. *Voters at subsequent general elections.*  
 7. *Additional member for southern division of Lancashire.*  
 8. *Provision for election of such additional member.*  
 9. *Birkenhead to form a borough to return one member.*  
 10. *Provision for appointment of returning officer for such borough.*  
 11. *A register of voters to be formed in 1861 for such borough.*  
 12. *Provisions consequent on formation of such borough.*  
 13. *Provision as to such borough in case of a dissolution before its register is in force.*  
 14. *Write, &c. to be made conformable to this act.*  
 15. *Election laws to remain in force.*

Whereas, by an act of the session of the 7 & 8 Vict. c. 53, intitled "An Act for the Disfranchisement of Sudbury," it is provided that the borough of Sudbury, in the county of Suffolk, shall, from and after the passing of that act, cease to return any member or members to serve in Parliament; and whereas, by an act of the session of the 15 & 16 Vict. c. 9, intitled "An Act to disfranchise the Borough of St. Alban," it is provided that the borough of St. Alban, in the county of Hertford, shall, from and after the passing of that act, cease to return any members or member to serve in Parliament: and whereas it is expedient to appropriate, in manner hereinafter mentioned, the four seats vacated by the disfranchisement of the said boroughs: be it enacted &c. as follows:—

Sect. 1. After the dissolution of this present Parliament, the West Riding of the county of York shall be divided into two divisions, to be called respectively the northern and southern divisions; the northern division shall contain the wapentakes of Staincliffe and Ewecross, Claro, Skyrack, and Morley; the southern division shall contain the wapentakes of Barkston Ash, Osgoldcross, Strafforth and Tickhill, Staincross and Agbrigg.

2. In all future Parliaments there shall be two knights of the shire to serve for each of the said northern and southern divisions, and such knights shall be chosen in the same manner, and by the same classes or descriptions of voters, and in respect of the same rights of voting as if each such

division were a separate county; and all enactments now in force applicable to divisions of counties returning knights of the shire to serve in Parliament shall apply to the divisions hereby constituted.

3. The court for the election of knights of the shire for the said northern division shall be held at Leeds, and the court for the election of knights of the shire of the said southern division shall be held at Wakefield; but the justices of the peace for the said West Riding, assembled at any court of quarter sessions not later than the first to be holden after the dissolution of the present Parliament, shall name the polling places for each of the said northern and southern divisions, and divide such divisions into convenient districts for polling, and shall assign one of such districts to every polling place named; and a list, stating the polling places, and describing the districts assigned, shall be lodged with the clerk of the peace of the West Riding, who shall forthwith cause copies of such list to be printed, and shall deliver a copy of such list to every person who shall apply for the same, upon payment of 1s. for each copy: provided always, that nothing herein contained shall, as regards the divisions constituted by this act, affect the power of altering from time to time polling places and districts contained in the act of the session held in the 6 & 7 Will. 4, c. 103.

4. In case of a dissolution of the present Parliament, and a new election taking place, before the justices have named such polling places and assigned such polling districts as aforesaid, the places then by law appointed for taking the poll for elections of knights of the shire for the West Riding of York, which are situate in the respective divisions constituted by this act, shall be the places for taking the poll at such election for the election of knights of the shire to serve in Parliament for the respective divisions constituted as aforesaid, and the districts assigned to such polling places shall be deemed to continue for the purposes of such election, subject to this qualification: that if a portion of any district assigned to any polling place is situate in a different division from the polling place, the sheriff shall, in his proclamation of the place and time at which the election of members for either division is to be held, declare at what polling place or polling places the voters of any parish or township situate in such outlying portion are to vote.

5. For the purposes of the first general election for the said northern and southern divisions that takes place after the dissolution of this present Parliament, the clerk of the peace of the said West Riding shall make a new register of voters, by apportioning to each division, according to the situation in such division of the parishes or townships, the several persons appearing, by the existing register, to be for the time being voters for the said West Riding; and the voters for the said northern and southern divisions respectively shall be determined by such new register, and shall be entitled to vote accordingly; and the clerk of the peace of the said West Riding shall send notice to the overseers of each parish and township within the said West Riding, of the division for which the voters of such parish or township are entitled to vote, and the said overseers shall publish such notice in manner directed by law; and at such general election as is mentioned in this section, all persons shall vote in the polling district in which their qualifications are situate, unless they may have claimed, and be entitled by law, to vote in some other polling district within the same division.

6. For the purposes of all elections subsequent to the first general election held for the said divisions after the dissolution of this present Parliament, registers of voters shall be formed in respect of the divisions of the said West Riding constituted under this act, at the same time and in like manner as if they were divisions of counties now returning members to serve in Parliament; but nothing in this act shall affect the rights of persons whose names are for the time being on the register of voters to vote at any election of a member of the West Riding in respect of any vacancy that may take place before such dissolution.

7. After the passing of this act, the southern division of Lancashire shall be entitled to return three knights of the shire, instead of two, to serve in Parliament.

8. As soon as may be after the passing of this act, the Speaker of the House of Commons shall, without any motion being made, or, if it be during the recess, without receiving any such notice as is required in the case of an ordinary vacancy, issue a warrant to the Clerk of the Crown to make out

a writ for electing an additional member of the House of Commons for the said southern division of Lancashire, and such warrant shall be valid notwithstanding the issue thereof during the recess of the House of Commons by prorogation or adjournment, and the same proceedings, as nearly as circumstances admit, shall be had in pursuance of the writ so made out as if the said division had previously returned three members, instead of two, to serve in Parliament, and a vacancy had occurred in the seat of one of the members returned for such division.

9. Birkenhead, in the county of Cheshire, shall, for the purposes of this act, be a borough, and shall from and after the 1st day of December, 1861, return one member to serve in Parliament; it shall, as such borough, include the places following; that is to say, the extra-parochial chapelry of Birkenhead, the several townships of Cloughton, Tranmere, and Oxtou, and so much of the township of Higher Bebington as lies to the eastward of the road leading from Higher Tranmere to Lower Bebington.

10. The sheriff for the time being of the county in which the borough constituted by this act is situate shall, as soon as possible after the passing of this act, and in every subsequent year in the month of March, by writing under his hand, to be delivered to the clerk of the peace of the county within one week, and to be by such clerk of the peace filed and preserved with the records of his office, appoint for such borough a fit person, being resident therein, to be, and such person so appointed shall accordingly be, the returning officer for such borough until the appointment to be made in the succeeding March; and the provisions contained in sect. 11 of the act of the session of the 2 & 3 Will. 4, c. 45, providing for the event of the death or incapacity of any person appointed as returning officer for any borough, as therein mentioned, and exempting any person so appointed from serving again in the same office, and disqualifying certain persons from being so appointed, and persons so appointed from being appointed churchwardens or overseers, shall extend and be applicable to and for the appointment of returning officer for the borough constituted by this act, and to the returning officer to be appointed for the same.

11. Notwithstanding the continuance of this present Parliament, a register of voters shall be formed, in and after the year 1861, for the borough constituted by this act, in like manner as if it were a borough now returning a member to serve in Parliament, with this qualification, that, for the purposes of the register of the said borough to be formed in the year 1861, the act passed in the 6 Vict. c. 18, shall be construed as if the month of August had been inserted therein in place of the month of June, and the month of September in the place of the month of July, and the month of October in the place of the month of August, and the month of November in the place of the month of September; and it shall be the duty of the revising barrister to hold his court for the revision of the list of the voters for the borough between the 14th day of November and the 21st day of November, 1861, instead of between the 15th day of September and the last day of October, as in the said act mentioned; and the printed book or books constituting the register of voters for the borough of Birkenhead shall be delivered to the returning officer of the said borough on or before the last day of November, as in the said act mentioned; and the said register shall be deemed to be in force from and after such last-mentioned day.

12. No person shall be registered in the register of voters formed after the passing of this act, for the county of Cheshire, who would not be entitled to be so registered in case the borough of Birkenhead were now a borough returning a member to serve in Parliament.

13. In case a dissolution of this present Parliament takes place before the day at and from which the register of voters to be first made for the borough constituted by this act begins to be in force, the writs for the election of a member to serve in Parliament for such borough shall not be issued until such register begins to be in force; but if no dissolution of this present Parliament takes place before such last-mentioned day, the Speaker of the House of Commons shall, without any motion being made, or, if it be during the recess, without receiving any such notice as is required in the case of an ordinary vacancy, issue a warrant to the Clerk of the Crown to make out a writ for the election of one member for the said borough; and such warrant shall be valid, notwithstanding the issue thereof during the recess of the House of Commons

by prorogation or adjournment; and the same proceedings, as nearly as circumstances admit, shall be had in pursuance of the writ so made out as if the said borough had previously returned a member to Parliament, and a vacancy had occurred in the seat of such member.

14. All warrants and writs to be issued for the election of members to serve in Parliament in pursuance of this act, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, shall be framed in such manner and form as may be necessary for the carrying the provisions of this act into effect.

15. Subject to the provisions of this act, all laws, statutes, usages, provisions, and penalties now in force relating to the issuing of writs, the conduct of elections, or otherwise respecting the representation of the people in England and Wales, shall remain in full force, and shall apply, as nearly as circumstances admit, to the borough hereby constituted, as if it were now a borough returning a member to Parliament, and to the divisions of counties hereby authorised to return additional members, as if they were now returning such additional member.

## CAP. CXIII.

An Act for amending and consolidating the Law relating to Industrial Schools.  
[6th August, 1861.]

### Sect. 1. *Short title.*

2. *Limits of act.*

3. *Interpretation of terms.*

4. *Mode of certifying industrial school.*

5. *Withdrawal of certificate by Secretary of State.*

6. *Notice of withdrawal.*

7. *Resignation of certificate by managers.*

8. *Guardians may contract with managers.*

9. *Description of children liable to be sent to school.*

10. *Justices may send child to school.*

11. *Lodging child at school.*

12. *Settlement not acquired by stay at school.*

13. *Power to make rules, &c.*

14. *Limitation of stay at school.*

15. *Discharge of child from school.*

16. *Power in certain cases to discharge child from school before expiration of period for which he has been sent there.*

17. *Maintenance of child at school.*

18. *Order for payment of maintenance.*

19. *Variation of order.*

20. *Penalty on child absconding.*

21. *Penalty on inducing child to abscond.*

22. *Mode of recovering penalties.*

23. *Evidence of school being certified.*

24. *Evidence of order of justices.*

25. *Evidence of certificate of school; identity of child, and making of orders.*

26. *Use of form in schedule.*

27. *Repeal of acts herein named.*

28. *Application of act to existing certified schools.*

29. *Duration of act.*

### *Preliminary.*

Sect. 1. This act may be cited for all purposes as "The Industrial Schools Act, 1861."

2. This act shall not extend to Scotland or Ireland.

3. The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:—

"Justices" shall mean any two or more justices of the peace acting together in petty sessions, also the Lord Mayor or any alderman of the city of London, or any other magistrate authorised by statute to do alone whatsoever is authorised by the 11 & 12 Vict. c. 43, to be done by any two or more justices of the peace:

"Managers" shall include the directors, managers, or other persons who have the management or control of any such industrial school as is hereinafter mentioned:

"Parent" shall include any person legally liable to maintain a child, except the putative father of a bastard child on whom an order of affiliation has been made:

"County" shall include any city, borough, riding, division



of a county, or other place having a separate commission of the peace :

"Parish" shall include any place maintaining its own poor.

#### *Certified Industrial Schools.*

4. Her Majesty's Secretary of State for the Home Department, hereinafter referred to as the Secretary of State, may, upon the application of the managers of any school in which industrial training is provided, and in which children are clothed, lodged, and fed, as well as taught, appoint such person as he may think fit to examine into the condition of the school, and to report to him thereon ; and, if satisfied with such report, he may, by writing under his hand, certify that such school is fitted for the reception of such children as may be sent there in pursuance of this act, and shall cause a copy of the certificate to be sent to the clerk of the peace of the county in which the school is situate, and to the town clerk of every borough within such county ; but no school shall be certified under this act and also under the act of the 17 & 18 Vict. c. 86, intituled "An Act for the better Care and Reformation of Youthful Offenders in Great Britain."

5. Every industrial school that has been certified under this act, hereinafter referred to as "a certified industrial school," shall from time to time, and at least once in each year, be inspected by a person to be appointed by the Secretary of State ; and it shall be lawful for the Secretary of State, if dissatisfied with the condition of such school as reported to him, by notice under his hand, addressed to the managers of such school, to declare that the certificate is withdrawn, from and after a day to be specified in such notice, not less than two months after the date thereof.

6. Any such notice as aforesaid may be served on the managers of such school, by delivering the same personally to any one of them, or by sending it, by post or otherwise, in a letter addressed to them or any of them at the said school, or at the usual or last known place of abode of any manager, or of the authorised secretary, and shall cause a copy of the notice to be sent to the clerk of the peace of the county in which the school is situate, and to the town clerk of every borough within such county ; and any school, on the managers of which such notice has been served, shall, from and after the day therein specified, cease to be a certified industrial school within the meaning of this act.

7. The managers of any certified industrial school may, upon giving six months' previous notice of their intention so to do in writing, under the hand of one or more of them, or of the authorised secretary, require the Secretary of State to withdraw the certificate given to such school ; and accordingly, at the expiration of six months from the date of the notice, such certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more children under this act ; but the managers of a certified industrial school shall not, except in manner provided by this section, have power, without the consent of the Secretary of State, expressed in writing, to withdraw from the obligation of educating, clothing, lodging, and feeding any children that, at the time of the giving such notice, may be in the school, in pursuance of the provisions of this act, until the certificate be withdrawn, or until such children be removed to some other industrial school by an order of the Secretary of State ; and if such managers make default in so doing, they shall incur a penalty not exceeding 5*l.* for each default, to be recovered in manner hereinafter mentioned.

8. The guardians of any union, or any parish wherein the relief to the poor is administered by a board of guardians, may, if they deem proper, with consent of the Poor-law Board, contract with the managers of any certified industrial school for the maintenance and education of any pauper child.

#### *Admission of Children to and their Status at School.*

9. Children of the descriptions hereinafter mentioned may be sent to certified industrial schools, in pursuance of the provisions of this act ; that is to say—

- (1). Any child apparently under the age of fourteen years found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms :
- (2). Any child apparently under the age of fourteen years

that is found wandering, and not having any home or settled place of abode, or any visible means of subsistence, or frequents the company of reputed thieves :

- (3). Any child apparently under the age of twelve years who, having committed an offence punishable by imprisonment, or some less punishment, ought nevertheless, in the opinion of the justices, regard being had to his age, and to the circumstances of the case, to be sent to an industrial school :
- (4). Any child under the age of fourteen years whose parent represents that he is unable to control him, and that he desires such child to be sent to an industrial school, in pursuance of this act, and who at the same time gives such undertaking or other security as may be approved by the justices before whom he is brought, in pursuance of this act, to pay all expenses incurred for the maintenance of such child at school :

Provided that no child who, on being brought before the justices, is proved to have been previously convicted of felony, shall be deemed to be within the provisions of this act.

10. Any person may bring before justices any child that is hereinbefore declared to be liable to be sent to an industrial school ; and the justices shall make full inquiry into all the facts of the case, and if satisfied, on the result of such inquiry, that this act applies to such child, and that it is expedient to deal with him under its provisions, may, by writing under their hands and seals, order the child to be sent, for such period as they may think necessary for his education and training, to any certified industrial school, whether situate within their jurisdiction or not, the managers of which are willing to receive such child ; subject to this qualification, that it shall be the duty of the justices to select, if possible, an industrial school conducted in accordance with the religious persuasion to which the parent of the child appears to them to belong : provided also, that the justices shall have power, while inquiry is being made respecting such child, or respecting a school to which he may be sent, to order him to be taken to the workhouse belonging to the parish in which such child has been found, and to be detained therein, at the cost of the union to which the parish belongs, for any time not exceeding seven days, or until an order be made, previous to the expiration thereof, for the discharge of such child, or for his being sent to an industrial school, as hereinbefore provided, and such child shall be so detained accordingly : provided that the order of the justices sending the child to school shall specify the religious persuasion to which the child appears to the justices to belong ; and it shall be lawful for a minister of that religious persuasion to visit the child at the school on such days and at such times of the day as may from time to time be fixed by regulations to be made by the Secretary of State, for the purpose of instructing him in religion.

11. The managers of any certified industrial school may, at their discretion, permit any child sent there in pursuance of this act to sleep or lodge at the dwelling of his parent, or of any trustworthy and respectable person, so that they educate, feed, and clothe the child in all respects as if he were lodging in the school itself, and that they report to the Secretary of State, in such manner as he may require, every instance in which they exercise a discretion under this section.

12. The time during which any child is lodged in any certified industrial school under this act shall, for all the purposes of the act of the session of the 9 & 10 Vict. c. 86, and of every act incorporated therewith, be excluded in the computation of the time therein mentioned.

13. It shall be lawful for the managers of any certified industrial school to make all necessary rules, orders, and by-laws for the regulation and management of the school under their charge not repugnant to the provisions of this act ; but no such rules, orders, or by-laws shall be enforced until they have been submitted to and approved by the Secretary of State.

14. No child shall, in pursuance of this act, be detained against his consent in any certified industrial school after he has attained the age of fifteen years.

15. The Secretary of State may, from time to time, by writing under his hand, remove any child sent to an indus-

trial school, in pursuance of this act, from one certified industrial school to another, so that the whole period of the detention of such child at industrial schools be not thereby increased: he may also, in like manner, discharge any child from an industrial school, either absolutely, or upon condition of the parent of such child or any near relation undertaking to educate, clothe, and feed him, or entering into such other undertaking as the Secretary of State may require.

16. On the application of the parent, or of the managers, or of the guardians who may be liable to make any repayment as aforesaid on account of any child, any justices of the county in which the school is situate, if satisfied that a suitable employment has been provided for the child, or that there is otherwise sufficient cause, may discharge the child from the school before the full expiration of the period for which he has been sent there.

#### *Maintenance of Children at School.*

17. The Commissioners of her Majesty's Treasury, upon the representation of the Secretary of State, may, out of monies provided by Parliament, contribute towards the maintenance of any children sent to school in pursuance of this act, except such children as are sent to school, in pursuance of this act, at the desire of their parents, and on their representation that they are unable to control them, at such rate per head as may be determined by him, or such portion of the cost as may not be recovered from the parent of the child in manner herein provided, or such other portion as the Secretary of State may recommend.

18. The justices by whom any child is sent to school in pursuance of this act, or justices having jurisdiction within the district where the school is situate to which any child is sent in pursuance of this act, or in which the parent of such child shall reside, upon an application made by any person appointed by the Secretary of State for that purpose, or by any agent of such person, shall have authority to make an order on the parent of such child for the payment, either at the time of the child being first sent to school, or at any time during his continuance at school, of the expenses of his maintenance at school to an amount not exceeding 5s. for every week during which the child remains at such school.

19. The order made by the justices may specify the time during which the parent is to pay the sums thereby directed to be paid, or it may be indefinite, and until further order; and any justices of the peace having jurisdiction to make such order may from time to time vary the same whenever circumstances require it, on the application either of the parent or of any person appointed by the Secretary of State to receive the money, or by the agent of such person, on fourteen days' notice being first given of such application to such person or his agent, or to such parent, respectively.

#### *Abandoning from School.*

20. If any child, whether lodging in the school or elsewhere, before attaining the age of fifteen years, or before being duly discharged, wilfully absconds from the school to which he is sent in pursuance of this act, or neglects to attend thereat, or wilfully refuses to conform to the regulations thereof, any justices having jurisdiction in the place in which the school is situate or in which the child is retaken may, by writing under their hands and seals, order him to be sent back to the school, and to be detained there until he attains the age of fifteen years, or for such shorter period as the justices think fit, or, instead of sending him back to such last-mentioned school, the justices may commit him, under the provisions of the act of the session of the 17 & 18 Vict. c. 86, to any reformatory school certified under the said act.

21. Any person who directly or indirectly withdraws a child from the certified industrial school to which he has been sent, previously to his attaining the age of fifteen years, or to being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his return, shall for every such offence incur a penalty not exceeding 6l., or shall be liable, at the discretion of the justices, to be imprisoned for any period not exceeding twenty days.

#### *Recovery of Penalties.*

22. Penalties may be recovered and payments may be

enforced under this act in manner provided by the act of the session of the 11 & 12 Vict. c. 43, and any act amending the same.

#### *Evidence.*

23. Whenever the Secretary of State grants a certificate to, or withdraws it from, any industrial school, in pursuance of this act, he shall cause a notice of such grant or withdrawal to be published in the London Gazette within one calendar month, and such publication shall be sufficient evidence of the fact in all proceedings before justices and other courts.

24. The order made by the justices sending any child to a certified industrial school shall be forwarded to the managers thereof, and shall be a sufficient warrant for the detention of the child.

25. Whenever it is necessary to prove that any industrial school is duly certified under this act, the production of an attested copy of the certificate, or of the notice published in the London Gazette, shall be sufficient evidence thereof; and the production of the order under which any child has been sent to, or is detained in, any certified industrial school under this act, or a copy of such order, with a memorandum signed by one of the managers or their authorised secretary, or by the superintendent or master or matron of any such school, that the child named in such order was duly received into, and is at the signing thereof detained in, such school, or has been otherwise disposed of according to law, and the production of any order made under this act, or a copy thereof, certified by the clerk to the justices making the same to be a correct copy, shall in all proceedings whatsoever be sufficient evidence of the due making and signing of all or any of such orders, memorandum, and certificate respectively, and of the sending, detention, and identity of the child or parent named in such orders respectively, without proof of the signatures of the justices or other persons appearing to have signed the same respectively.

#### *Forms.*

26. No summons, notice, or order made for the purpose of carrying into effect the provisions of this act shall be invalidated for want of form only; and the form in the schedule to this act annexed, or any form to the like effect, may be used in the case to which it refers, and when used, shall be deemed sufficient.

#### *Repeal of Acts.*

27. There shall be repealed the acts hereinafter mentioned; that is to say—

- (1). An act passed in the session holden in the 20 & 21 Vict. c. 48, intituled "An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools:"
- (2). An act passed in the session holden in the 23 & 24 Vict. c. 108, intituled "An Act to amend the Industrial Schools Act, 1857:"

Provided that such repeal shall not affect—

- (1). Any certificate given or anything duly done under any act hereby repealed:
- (2). Any order made under any act hereby repealed:
- (3). Any penalty, forfeiture, or other punishment incurred under any act hereby repealed, or any remedy for recovering or enforcing the same.

28. This act shall apply to all schools certified under the acts hereby repealed or either of them, and to all children sent to any industrial school under the acts hereby repealed or either of them, in the same manner in all respects as if such certificate had been given or children been sent under the provisions of this act, with this qualification, that no child shall be detained at any industrial school, in pursuance of any order made under the repealed acts, for a longer period than he would have been detained if this act had not passed.

29. This act shall remain in force until the 1st January, 1864.

## SCHEDULE.

### FORM.

#### *Order sending Child to Industrial School.*

—, to wit.—To the constable of —, and to the managers of the — certified industrial school at —.

Whereas a certain child named A. B. was this day brought before us, her Majesty's justices of the peace for the — in petty sessions assembled, under the provisions of the Industrial Schools Act, 1861; now therefore we, the said justices, being satisfied that the said act applies to such child, and that it is expedient to deal with him [or her] under its provisions, order you, the said constable, in pursuance of the said act, to take the said child, and him [or her] safely convey to the — certified industrial school at — aforesaid, and there to deliver him [or her], together with this order; and we do hereby command you, the said managers, to receive the said child into your charge in the said school, and there to detain, educate, clothe, and feed him [or her] for the period of — from the date hereof.

Given under our hands and seals this — day of —, at —, in the county aforesaid.

[Signatures and seals of justices.]

### CAP. CXIV.

An Act to amend the Law with respect to Wills of Personal Estate made by British Subjects. [6th August, 1861.]

- Sect. 1.** *Wills made out of the kingdom to be admitted if made according to the law of the place where made.*
- 2.** *Wills made in the kingdom to be admitted if made according to local usage.*
- 3.** *Change of domicile not to invalidate will.*
- 4.** *Nothing in this act to invalidate wills otherwise made.*
- 5.** *Extent of act.*

**Sect. 1.** Every will and other testamentary instrument made out of the United Kingdom by a British subject (whatever may be the domicile of such person at the time of making the same or at the time of his or her death) shall as regards personal estate be held to be well executed, for the purpose of being admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be made according to the forms required either by the law of the place where the same was made or by the law of the place where such person was domiciled when the same was made, or by the laws then in force in that part of her Majesty's dominions where he had his domicile of origin.

**2.** Every will and other testamentary instrument made within the United Kingdom by any British subject (whatever may be the domicile of such person at the time of making the same or at the time of his or her death) shall as regards personal estate be held to be well executed, and shall be admitted in England and Ireland to probate, and in Scotland to confirmation, if the same be executed according to the forms required by the laws for the time being in force in that part of the United Kingdom where the same is made.

**3.** No will or other testamentary instrument shall be held to be revoked or to have become invalid, nor shall the construction thereof be altered, by reason of any subsequent change of domicile of the person making the same.

**4.** Nothing in this act contained shall invalidate any will or other testamentary instrument as regards personal estate which would have been valid if this act had not been passed, except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this act.

**5.** This act shall extend only to wills and other testamentary instruments made by persons who die after the passing of this act.

## CAP. CXV.

An Act for the Government of the Navy.

[6th August, 1861.]

### PART I.

- Sect. 1.** Public worship to be performed.
- 2.** Penalty for misconduct in action.
- 3.** Penalty for not pursuing the enemy, and of not assisting a friend in view.
- 4.** Penalty for delaying or discouraging the service, or deserting his post, &c.
- 5.** Penalty for misconduct of subordinate officers and men in action.
- 6.** Penalty for spies.
- 7.** Penalty for corresponding &c. with the enemy.
- 8.** Penalty for improper communication with the enemy.
- 9.** Penalty for abandoning post, &c.
- 10.** Penalty for mutiny with violence.
- 11.** Penalty for mutiny, not accompanied by acts of violence.
- 12.** Penalty for inciting to mutiny.
- 13.** Penalty for civilians endeavouring to seduce from allegiance.
- 14.** Penalty for making mutinous assemblies or uttering seditious words.
- 15.** Penalty for concealing any traitorous or mutinous practice, design, or words.
- 16.** Penalty for striking, or offering to strike, superior officer.
- 17.** Penalty for disobedience, or using threatening language to superior officer.
- 18.** Penalty for quarrelling, &c., or using reproachful speech or gestures.
- 19.** Penalty for desertion.
- 20.** Penalty for inducing any person to desert.
- 21.** Penalty for entertaining a deserter.
- 22.** Penalty for absence without leave.
- 23.** Penalty for profane swearing, and other immoralities.
- 24.** Penalty on officer for cruelty or oppression.
- 25.** Penalty for suffering ships to be improperly lost.
- 26.** Penalty for not taking care of, and defending, ships under convoy.
- 27.** Master of merchant vessel to obey orders of conveying officer.
- 28.** Penalty for taking any goods on board, other than for the use of the vessel, except gold, silver, jewels, &c.
- 29.** Penalty for embezzling public stores.
- 30.** Penalty for burning any magazine or vessel, &c. not belonging to an enemy.
- 31.** Penalty for making or signing false musters.
- 32.** Penalty for misconduct in hospital.
- 33.** Penalty for endeavouring to stir up any disturbances on account of unwholesomeness of the victuals, or other just grounds.
- 34.** Penalty for offences against naval discipline not particularly mentioned.
- 35.** Penalty for not sending to the Court of Admiralty all papers found aboard prize ships.
- 36.** Penalty for taking money or other effects out of any prize before the same shall be condemned.
- 37.** Penalty for stripping or ill-using persons taken on board a prize.
- 38.** Penalty for offences punishable by ordinary law.
- 39.** Offences, when punishable.

### PART II.

- 40.** Power of court-martial to find intent with which offence committed.
- 41.** Power of court-martial to find prisoner guilty of lesser offence, on charge of greater.
- 42.** Rebels and mutineers to be deemed enemies.
- 43.** Power to arrest offenders.
- 44.** Penalty for not assisting in detection of prisoners.

### PART III.

- 45.** Punishments.
- 46.** Regulations as to punishments.
- 47.** Limitation of time as to trials.
- 48.** Scale of punishment.
- 49.** Authorities having power to try offences.

#### PART IV.

50. Constitution of courts-martial.
51. Sittings of courts-martial.
52. Appointment of officiating Judge Advocate.
53. Proceedings at trial.
54. Oaths to be administered to members of courts-martial.
55. Oath to be administered to Judge Advocate, &c.
56. Summoning witnesses.
57. Penalty on persons giving false evidence.
58. Where persons are insane at the time of offence or trial.
59. Report of proceedings of courts-martial.

#### PART V.

60. Sentence of penal servitude.
61. Disposal of offender after sentence of penal servitude.
62. Subsistence of offender.
63. Imprisonment of offender already under sentence for previous offence.
64. Term and place of imprisonment.
65. Place of imprisonment may be changed &c.
66. Expenses of removal or subsistence of prisoners.
67. Provision for discharge or removal of prisoners.
68. Provision as to time of detention in naval custody.
69. In case of insanity prisoners to be removed to some lunatic asylum.
70. Admiralty may set apart buildings and ships as naval prisons.
71. Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.
72. Penalty as regards gaolers, &c.
73. Pay to be stopped during imprisonment, &c.

#### PART VI.

74. Short title.
75. Commencement of act.
76. Definition of terms.
77. Persons subject to this act.
78. Land forces embarked as passengers.
79. Other persons embarked as passengers.
80. Crews of ships lost or destroyed.
81. All the officers and crew of lost ship may be tried by one court;
82. Or by separate courts.
83. For subsequent offence, separate court.
84. Pay of crews of ships lost or taken.
85. When ship of senior officer is lost he may dispose of officers and crew of lost ship.

#### PART VII.

86. Trial of offences against repealed acts.
87. Reservation of power of Admiralty.
88. Act not to supersede authority of ordinary courts.

#### CAP. CXVI.

An Act for the Appropriation in favour of the Military Knights and the Churches of Windsor of two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor.  
[6th August, 1861.]

#### CAP. CXVII.

An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts.  
[6th August, 1861.]

- Sec. 1.** *Recited acts to apply to lace factories, and to the employment of females, young persons, youths, and children therein.*
- 2.** *Youths between the age of sixteen and eighteen may be employed between four a.m. and ten p.m., but not more than nine hours between those hours.*
- 3.** *Agents or workmen may be summoned for acting contrary to the act without the knowledge of the owner, &c.*

#### 4. Interpretation of terms.

5. *Certain provisions of recited acts not to extend to lace factories;*

6. *Nor those relating to fencing machinery.*

The preamble recites stats. 3 & 4 Will. 4, c. 103; 7 & 8 Vict. c. 15; 10 & 11 Vict. c. 29; 13 & 14 Vict. c. 54; 16 & 17 Vict. c. 104; and 19 & 20 Vict. c. 83.

**Sec. 1.** That from and after the 1st August, 1862, the powers and provisions of the hereinbefore recited acts shall apply and be held to apply to lace factories, and to the employment of females, young persons, youths, and children in lace factories, to all intents and purposes as completely and effectually as if such lace factories had been mentioned and included in the provisions of the hereinbefore recited acts or any of them, except as is hereinafter mentioned.

**2.** Nothing in the said recited acts contained, or in this act, shall be held to prevent the employment in any lace factory of any youth of the age of sixteen and under eighteen between the hours of four of the clock in the morning and ten of the clock at night; provided nevertheless, that if any such youth shall be employed earlier than six of the clock in the morning or later than six of the clock in the evening of any day, in every such case it shall not be lawful to employ such youth for a longer period than nine hours on such day; and provided also, that it shall not be lawful to employ any youth both earlier than six of the clock in the morning and later than six of the clock in the evening of the same day, nor to employ any youth both later than six of the clock in the evening of any day and earlier than six of the clock in the morning of the next succeeding day; and in every such case the owner of the lace machine, or if such machine is let out for hire, the person hiring such machine, in or about or in immediate connexion with which such youth shall have been so employed, shall, every day except Sundays, before twelve of the clock at noon, register or cause to be registered in a book, first approved of by an inspector, in the form given in Schedule (A.) to this act annexed, the hours within which every such youth shall severally have been employed during the working day last passed.

**3.** If any offence shall be committed against this act, for which the owner or the hirer of any lace machine is hereby made responsible, and it shall be made to appear to the satisfaction of any justices that the offence has been committed by or under the authority of some agent, servant, or workman of the owner or hirer of such machine, without the personal consent, concurrence, or knowledge of such owner or hirer, it shall be lawful for such justices to summon such agent, servant, or workman before them to answer for such offence; and such agent, or servant, or workman, if convicted, shall be liable to the penalties and punishment for such offence specified in the said recited acts, and such justices may convict such agent, or servant, or workman, in lieu of such owner or hirer.

**4.** In the construction of this act, the words "lace factories" shall be understood to mean factories in which machines for the manufacture of lace are moved by steam or water power; and the words "lace machine" shall be taken to mean a lace machine moved by steam or water power; and the words "agent," "servant," and "workman" shall be taken to mean any person receiving a salary, wages, payment, or remuneration for any description of service or work performed in or about, or in immediate connexion with, any such machine; and no agent, servant, workman, or other person employed upon the dressing or finishing of lace, or upon any other process subsequent to the making of lace upon the lace machine, shall be deemed to be included within the provisions of this act; and the words "young person" shall be taken to mean a female of thirteen and under eighteen years of age, and a male of thirteen and under sixteen years of age; and the word "youth" shall be taken to mean a male of sixteen and under eighteen years of age.

**5.** The provisions of the said recited acts, so far as they relate to the recovery of lost time, shall not extend to lace factories.

**6.** The provisions of the said recited acts, in regard to requiring machinery to be fenced off, shall not extend to lace factories.

# SCHEDULE (A.)

Register of the Time during which every Youth, employed on any Day before six a.m. or after six p.m., has been employed during the Week ending [Sept. 10, 1862], by [John Armstrong & Co.], at the — Lace Factory, situate in — Street, [Nottingham], or [in the Parish or Township of —], in the County of —.

Pro- gressive Number on Cer- tificate Book.	Sur- name.	Chris- tian Name.	Sept. 5. Monday.	Sept. 6. Tuesday.	Sept. 7. Wed- nesday.	Sept. 8. Thursday.	Sept. 9. Friday.	Sept. 10. Saturday.
			A.M. Hrs. min. 4 to 6:30 2 30 10 to 12 2 0 P.M. 2 to 6:30 4 30 Total - 9 0	Between 6 a.m. and 6 p.m.	Between 6 a.m. and 6 p.m.	A.M. Hrs. min. 6 to 10 - 4 0 P.M. 2 to 4:30 - 2 30 7:30 to 10 2 30 Total - 9 0	A.M. Hrs. min. 8 to 11 - 3 0 P.M. 2 to 6 - 4 0 Total - 7 0	A.M. Hrs. min. 6 to 8 - 2 0 P.M. 12 to 3 - 3 0 6 to 10 - 4 0 Total - 9 0
			A.M. Hrs. min. 4 to 8 - 4 0 P.M. 1 to 6 - 5 0 Total - 9 0	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.
			A.M. Hrs. min. 8 to 1 p.m. 5 0 P.M. 6 to 10 - 4 0 Total - 9 0	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.	Same as Monday.

[The hours of actual work are to be registered after the manner described in the above schedule, as the case may be.]

## CAP. CXVIII.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. [6th August, 1861.]

- Sect. 1. Power to the Secretary of State in Council of India to raise any sum not exceeding 5,000,000l.
2. Bonds may be issued under the hands of two members of the council, countersigned by Secretary of State, or one under-secretary.
3. Debentures may be issued.
4. As to payment of principal and interest on debentures.
5. Debentures transferable by delivery or deed. Coupons by delivery.
6. Capital stock and annuities may be created and issued.
7. Transfer books of such capital stock and annuities to be kept.
8. Annuities personal estate.
9. The whole amount charged on revenue of India not to exceed 5,000,000l.
10. Power to raise money for payment of principal money.
11. Securities, &c. to be charged on revenues of India.
12. Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this act.
13. Forgery of debentures to be punishable as forgery of East India bonds.
14. Returns to be annually prepared of monies raised on loan, &c., and presented to Parliament.
15. Saving powers of the Secretary of State in Council.

## CAP. CXIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers. [6th August, 1861.]

## CAP. CXX.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [6th August, 1861.]

## CAP. CXXI.

An Act to amend the Law in relation to the Wills and Domicil of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions. [6th August, 1861.]

- Sect. 1. No British subject dying in a foreign country to be deemed to have acquired a domicile unless resident there for one year immediately preceding his or her death, &c., and for all purposes of testate or intestate succession shall retain the domicile possessed at the time of going to reside in such foreign country.
2. No foreign subject dying in Great Britain or Ireland to be deemed to have acquired a domicile unless resident therein for one year immediately preceding his or her death, &c.
3. Who this act shall not apply to.
4. When subjects of foreign states shall die in her Majesty's dominions, and there shall be no persons to administer to their estates, the consuls of such foreign states may administer.

Whereas, by reason of the present law of domicile, the wills of British subjects dying whilst resident abroad are often defeated, and their personal property administered in a manner contrary to their expectations and belief; and it is desirable to amend such law, but the same cannot be effectually done without the consent and concurrence of foreign states: be it therefore enacted &c. as follows:—

- Sect. 1. Whenever her Majesty shall, by convention with any foreign state, agree that provisions to the effect of the enactments herein contained shall be applicable to the subjects of her Majesty and of such foreign state respectively, it shall be lawful for her Majesty, by any order in council, to

direct, and it is hereby enacted, that from and after the publication of such order in the London Gazette, no British subject, resident at the time of his or her death in the foreign country named in such order, shall be deemed, under any circumstances, to have acquired a domicile in such country, unless such British subject shall have been resident in such country for one year immediately preceding his or her decease, and shall also have made and deposited in a public office of such foreign country (such office to be named in the order in council) a declaration, in writing, of his or her intention to become domiciled in such foreign country; and every British subject dying resident in such foreign country, but without having so resided and made such declaration as aforesaid, shall be deemed, for all purposes of testate or intestate succession as to moveables, to retain the domicile he or she possessed at the time of his or her going to reside in such foreign country as aforesaid.

2. After any such convention as aforesaid shall have been entered into by her Majesty with any foreign state, it shall be lawful for her Majesty, by order in council, to direct, and from and after the publication of such order in the London Gazette it shall be and is hereby enacted, that no subject of any such foreign country who, at the time of his or her death, shall be resident in any part of Great Britain or Ireland, shall be deemed, under any circumstances, to have acquired a domicile therein, unless such foreign subject shall have been resident within Great Britain or Ireland for one year immediately preceding his or her decease, and shall also have signed, and deposited with her Majesty's Secretary of State for the Home Department, a declaration in writing of his or her desire to become and be domiciled in England, Scotland, or Ireland, and that the law of the place of such domicile shall regulate his or her moveable succession.

3. This act shall not apply to any foreigners who may have obtained letters of naturalisation in any part of her Majesty's dominions.

4. Whenever a convention shall be made between her Majesty and any foreign state, whereby her Majesty's consuls or vice-consuls in such foreign state shall receive the same or the like powers and authorities as are hereinafter expressed, it shall be lawful for her Majesty, by order in council, to direct, and from and after the publication of such order in the London Gazette it shall be and is hereby enacted, that whenever any subject of such foreign state shall die within the dominions of her Majesty, and there shall be no person present at the time of such death who shall be rightfully entitled to administer to the estate of such deceased person, it shall be lawful for the consul, vice-consul, or consular agent of such foreign state, within that part of her Majesty's dominions where such foreign subject shall die, to take possession and have the custody of the personal property of the deceased, and to apply the same in payment of his or her debts and funeral expenses, and to retain the surplus for the benefit of the persons entitled thereto; but such consul, vice-consul, or consular agent shall immediately apply for and shall be entitled to obtain from the proper court letters of administration of the effects of such deceased person, limited in such manner and for such time as to such court shall seem fit.

#### CAP. CXXII.

An Act to continue the Corrupt Practices Prevention Act, 1854. [8th August, 1861.]

#### CAP. CXXIII.

An Act to reduce and alter the Rate of Duty payable on Proceedings under the 21 & 22 Vict. c. 72, s. 88; and for other Purposes. [8th August, 1861.]

The preamble recites stat. 21 & 22 Vict. c. 72.

Sect. 1. Duty payable on proceedings in Landed Estate Court (I.)

§ If duties, &c. hereby authorised be insufficient to pay half the expense of maintaining court, rates may be raised of any of the said duties.

3. Indemnity to Lieutenant-Colonel John Henry Keogh.

4. Recited act and this act to be construed as one act.

#### CAP. CXXIV.

An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes. [8th August, 1861.]

The preamble recites stat. 10 Geo. 4, c. 44.

Sect. 1. Receiver constituted a corporation sole.

2. Transfer of property vested in previous receivers.

3. Exoneration of receiver of metropolitan police district.

4. Alteration of name of account at Bank of England.

5. Power of receiver to purchase &c.

6. Power to grant pensions and compassionate allowances to widows and children of constables killed in the execution of their duty.

7. Repeal of part of sect. 25 of stat. 10 Geo. 4, c. 44, and enactment of new provisions in lieu thereof.

8. Payment of monies into the Bank.

9. This and previous acts to be construed as one.

10. Short title.

#### CAP. CXXV.

An Act to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business. [8th August, 1861.]

Sect. 1. *Power to overseers and vestries, with consent of Poor-law Board, to purchase offices for use of parish.*

2. *The overseers may provide depositories for parish documents.*

3. *Interpretation of terms.*

Sect. 1. The overseers of any parish in England the population whereof shall exceed 4000 persons according to the census for the time being, with the consent of the vestry, called after due notice, and with the consent of the Poor-law Board, signified by an order under their seal, may hire any room, or purchase or take upon lease or exchange any land or building, or sell land belonging to such parish, and invest the proceeds of such sale in the purchase of other land and building, or erect a suitable building on any land acquired as aforesaid, for the purpose of an office for the transaction of the business of the parish.

And the Lands Clauses Consolidation Act, 1845 (except the parts and enactments of that act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs), shall, in so far as the same is consistent with this act, be incorporated with this act.

And for the purposes of this act, the expressions "the promoters of the undertaking," or "the secretary," whenever used in that act, shall respectively mean the overseers as aforesaid; and the expression "tolls or rates," whenever used in the said first-mentioned act, shall mean monies to be raised for the relief of the poor; and all lands and premises which shall be so purchased or taken on lease or exchange by the overseers of any parish shall be conveyed, demised, and assured to such overseers and their successors, in trust for the purposes aforesaid; and the yearly rent reserved by any lease shall be chargeable upon and paid out of the monies to be raised for the relief of the poor of any such parish, and shall be paid by the overseers as aforesaid of such parish as such rent becomes payable; and if at any time any such rent be not paid within thirty days after it so becomes payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the overseers as aforesaid, with costs of suit, by action of debt in any court of appropriate jurisdiction, or may levy the same by distress of the goods and chattels of any of the overseers as aforesaid; and such overseers may provide the requisite furniture and fittings of such room or such building, and appoint and pay out of the poor rate such persons to take care thereof, or of any vestry room provided under the authority of the stat. 13 & 14 Vict. c. 57, and to aid in the ordinary business of the parish, as the vestry shall authorise and the Poor-law Board shall approve; and every such building and vestry room shall be warmed and lighted, and, with its furniture, shall be kept in good condition and repair at the cost of the poor rate.

2. The overseers of any parish may, with the consent of the vestry, provide proper depositories of all the documents, books, and papers belonging to such parish for which no

provision is otherwise made by law, and charge the cost thereof upon the poor rate.

3. The words used in this act shall be construed in the like manner as in the 4 & 5 Will. 4, c. 76.

#### CAP. CXXVI.

An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls. [6th August, 1861.]

- Sec. 1. *Horses and carriages, &c. of volunteers exempted.*  
2. *Penalty for demanding tolls from volunteers, &c.*  
3. *Penalty for personating volunteers, &c.*  
4. *Recovery and application of penalties.*  
5. *Extent of act.*

The preamble recites stats. 3 Geo. 4, c. 126, and 4 Geo. 4, c. 49.

Sec. 1. No dues, duties, pontage, or toll from which officers and soldiers on their march or duty, or the horses of any officer or soldier on march or on duty, are exempted by the provisions of the recited or any other acts, shall be demanded or taken at any pier, wharf, quay, or landing place, or at any turnpike or other gate, bar, or bridge, for any volunteer officer or soldier, or for any horse or other beast used or ridden by any volunteer officer or soldier on his march or on duty, or going to or returning from any place appointed for, and on the days for exercise, inspection, or review; or on other public duty, such volunteer officer or soldier being in the uniform of his corps, or for any cart, waggon, or carriage whatsoever, whether public or private, or for any horse or other beast drawing the same, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any such volunteer officer or soldier on his march or on duty, or going to or returning from any place appointed for, and on the days for exercise, inspection, or review, or other public duty, and being in the uniform of his corps, or the arms or baggage of any such volunteer officer or soldier, or any ordnance or barrack or commissariat stores belonging to, or for the use of her Majesty's volunteer forces: provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, or other beasts, carts, waggons, carriages, arms, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, or vessels are liable thereto, or prevent toll being taken for conveying the said persons, horses, or other beasts, carts, waggons, or carriages, arms, baggage, or stores, upon any railway.

2. Any toll collector or other person who shall take, demand, or receive any dues, duties, pontage, or toll, for or in respect of any volunteer officer or soldier, horse, or other beast, carriage, waggon, or cart, entitled to exemption under this act, shall forfeit and pay for every offence a sum not exceeding 5l.

3. Any person who shall falsely and fraudulently personate or represent himself to be a volunteer officer or soldier with the intent to evade payment of any dues, duties, pontage, or toll to which he would otherwise be liable, shall forfeit and pay for every offence a sum not exceeding 5l.

4. All penalties, forfeitures, and fines by this act inflicted or authorised to be imposed shall be levied and recovered and applied in England and Scotland respectively, in manner severally directed by the said recited acts, or any act or acts respectively amending the same for the time being in force.

5. This act shall not extend to Ireland.

#### CAP. CXXVII.

An Act for limiting and regulating the Treasury Chest Fund. [6th August, 1861.]

Sec. 1. Available balance of Treasury Chest Fund to be limited as herein mentioned, and surplus to form part of Consolidated Fund.

2. How Commissioners of Treasury are to employ the said fund.

3. Annual abstract account of said fund to be made by commissioners of audit, and laid before Parliament by the Commissioners of the Treasury, with returns of special warrants and account of claims outstanding.

#### CAP. CXXVIII.

An Act to confirm certain Provisional Orders under the Local Government Act, 1858, relating to the Districts of Plymouth, Weston-super-Mare, Llanelli, and Llandfello; and for other Purposes in relation thereto.

[6th August, 1861.]

#### CAP. CXXIX.

An Act to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy. [6th August, 1861.]

Sec. 1. Power to her Majesty to accept the services of masters, &c. of the merchant service.

2. Power to Admiralty to enrol officers of reserve to the royal navy.

3. Officers of reserve or their widows entitled to the same pay and pensions as officers and the widows of officers of the royal navy.

#### CAP. CXXX.

An Act for amending an Act passed in the last Session of Parliament to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks. [6th August, 1861.]

Sec. 1. *Transfer of licensing powers.*

2. *Table of fees.*

3. *Construction of act.*

4. *Sec. 18 of recited act to apply to manufacturers of safety fuzes.*

Sec. 1. All powers of granting licenses by the said act given to justices of the peace at their general quarter sessions shall be transferred to and vested in the justices in petty sessions assembled, and the justices shall hold special petty sessions of the peace in their several divisions for granting such licenses at such times as they think expedient; and all powers thereby transferred shall be exercised by the justices in petty sessions assembled within their respective divisions in the same manner in which the same are by the said act required to be exercised by the justices at their general quarter sessions, or as near thereto as circumstances will admit.

2. The justices in each petty sessional division may, with the sanction of one of her Majesty's Principal Secretaries of State, regulate the mode in which applications for licenses under this act are to be made, and make a scale of fees to be charged in respect of such licenses.

3. This act, so far as is consistent with the tenor thereof, shall be construed as one with the said act of the 23 & 24 Vict. c. 139.

4. And whereas it is necessary for the manufacturers of safety fuzes to have and keep for the purpose of such manufacture large quantities of gunpowder: be it enacted, that such manufacturers shall be within and subject to all the provisions of the 18th section of the said recited act, in like manner as the manufacturers of cartridges, fireworks, and rockets; and further, that it shall be lawful for such manufacturers of safety fuzes to keep exclusively for the use of such manufacture the respective quantities of gunpowder mentioned in the 19th section of the said act, in like manner as the same may be kept for the use of any mine, quarry, or colliery, but subject to all the restrictions and conditions mentioned and provided in the said section.

#### CAP. CXXXI.

An Act to continue the Act concerning the Management of Episcopal and Capital Estates in England, and further to amend certain Acts relating to the Ecclesiastical Commissioners for England. [6th August, 1861.]

Sec. 1. Estates of the archdeaconry of Rochester vested in the commissioners.

2. Stat. 14 & 15 Vict. c. 104, continued until the 1st January, 1863.

#### CAP. CXXXII.

An Act for consolidating and amending the Law relating to Industrial Schools in Scotland. [6th August, 1861.]



- Sect. 1. *Short title.*  
 2. *Act to apply to England only.*  
 3. *Definition of terms.*  
 4. *Commissions of sewers may be issued for new areas on recommendation of inclosure commissioners.*  
 5. *Recommendation of inclosure commissioners to be obtained on petition of proprietors, after investigation by an inspector.*  
 6. *Definition of proprietors.*  
 7. *Trustees to be deemed proprietors in certain cases.*  
 8. *Provision as to proprietorship by corporations and companies.*  
 9. *Provision as to joint proprietors.*  
 10. *Provision in case of no proprietor.*  
 11. *Powers of inspector.*  
 12. *Expenses incurred in obtaining the issue of a commission of sewers under this act.*  
 13. *Evidence of issue of commission.*  
 14. *Duration of commissions of sewers.*  
 15. *Quorum of commissioners.*  
 16. *Declaration of powers of commissioners.*  
 17. *Restrictions as to obstructions.*  
 18. *Questions as to right to remove any obstructions.*  
 19. *Consequences of determination of question.*  
 20. *Amount of compensation, how ascertained.*  
 21. *Restrictions as to purchase of land.*  
 22. *Publication of notices.*  
 23. *Petition to inclosure commissioners.*  
 24. *Inquiries by inclosure commissioners.*  
 25. *Notice of inquiries.*  
 26. *Provisional order by inclosure commissioners to be confirmed by Parliament.*  
 27. *Expenses of obtaining provisional order.*  
 28. *Provisions of stats. 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated with this act.*  
 29. *Notice to be given of certain works.*  
 30. *Correction of list of proprietors.*  
 31. *Dissent of proprietors of one-half of area conclusive against new works.*  
 32. *Provision in case of no proprietor.*  
 33. *Jury may be dispensed with under certain conditions.*  
 34. *Power to commute liabilities to repair by reason of tenure.*  
 35. *Nature of commutation.*  
 36. *Deposit of record of commutation.*  
 37. *Saving of existing liabilities to repair.*  
 38. *Regulations as to rating.*  
 39. *Overseers to allow inspection of poor rates.*  
 40. *Mortgage of rates.*  
 41. *Certain clauses of stat. 10 & 11 Vict. c. 18, incorporated.*  
 42. *Notices by commissioners, how to be signed.*  
 43. *Notices to be binding on assigns.*  
 44. *Notices on owners to be served personally, or left at their places of abode.*  
 45. *Notices to corporations to be left at their principal office.*  
 46. *Service of notices on occupiers.*  
 47. *Appeal to quarter sessions.*  
 48. *Power to refer case to arbitration.*  
 49. *Stat. 17 & 18 Vict. c. 125, incorporated.*  
 50. *Decision of questions by justices or arbitration.*  
 51. *Recovery of penalties.*  
 52. *Obsts of legal proceedings on part of commissioners.*  
 53. *Tender of amends.*  
 54. *Saving rights of canal owners and wharfingers.*  
 55. *Commissioners not to divert rivers so as to injure harbours.*  
 56. *Power for canal commissioners to alter sewers.*  
 57. *Exemptions under local acts preserved.*  
 58. *Penalty for draining into sewers without consent of commissioners.*  
 59. *Powers of commissioners of sewers and drainage boards to enter into arrangement.*  
 60. *Powers of act cumulative.*  
 61. *Not to affect contracts between landlord and tenant.*

65. *Evidence of constitution of district.*  
 66. *Constitution of drainage boards.*  
 67. *Powers of drainage board.*  
 68. *Regulations as to drainage boards.*  
 69. *Rules to be observed with respect to electors of drainage board.*  
 70. *Mode of election of drainage boards, and proceedings thereof.*  
 71. *Certain provisions of stat. 10 & 11 Vict. c. 18, incorporated.*  
 72. *Application for outfall to adjoining owner.*  
 73. *Mode of making application.*  
 74. *Assent of adjoining owner.*  
 75. *Record of assent of adjoining owner.*  
 76. *Dissent of adjoining owner; result of decision.*  
 77. *Application of compensation in case of owners under disability.*  
 78. *Duty of arbitrators.*  
 79. *Power of applicant to clear drains.*  
 80. *Power of adjoining owner to divert drains.*  
 81. *Penalty for obstructing or injuring drains.*  
 82. *Costs of application.*  
 83. *Provision in case of change of natural outfall.*

Whereas it is expedient to amend the law relating to the drainage of land for agricultural purposes: be it enacted &c. as follows:—

#### *Preliminary.*

Sect. 1. This act may be cited for all purposes as "The Land Drainage Act, 1861."

2. This act, in so far as the same relates to commissions of sewers, shall include any commission of sewers granted by her Majesty, and for the time being in force, whether such commission is or is not granted in pursuance of this act, or has or has not been granted previously to this act, and in so far as the same relates to commissioners of sewers, shall include commissioners acting under any such commission as aforesaid; but it shall not extend to Scotland or Ireland, or to any part of the metropolis, as defined by the act passed in the session holden in the 18 & 19 Vict. c. 120, intitled "An Act for the better Local Management of the Metropolis."

3. "Watercourse" shall include all rivers, streams, drains, sewers, and passages through which water flows:

"Person" shall include any body of persons, corporate or unincorporate, unless there is something in the context inconsistent therewith:

"Owner," as used throughout this act, except where it is otherwise defined in the provisions relating to rating, shall have the same meaning as it has in the Lands Clauses Consolidation Act, 1845.

#### **PART I.**

##### **COMMISSIONS OF SEWERS.**

##### *Assignment of new Limits.*

4. It shall be lawful for her Majesty, upon the recommendation of the inclosure commissioners, to be obtained on such application and subject to such conditions as are hereinafter mentioned, to direct commissions of sewers into all parts of England, inland as well as maritime, and to assign as the limits for the jurisdiction of such commissions any areas that may be thought most expedient, having regard to the levels, and other facilities for drainage, within such areas, with power for her Majesty to include within the limits of any commission of sewers any area to which a commission of sewers may not hitherto have been assigned, or any area either wholly or partially within the limits of an existing commission of sewers; subject to this proviso, that no alteration shall be made affecting the jurisdiction of any commissioners of sewers, without the consent of a special meeting of such commissioners.

5. The following proceedings shall be taken for the purpose of obtaining the recommendation of the inclosure commissioners to the grant of a commission of sewers:—

- (1). A petition shall be presented to the inclosure commissioners, stating the proposed boundaries of the area to be comprised within the limits of the commission, by reference to a map, or in such other manner as the commissioners think expedient, and

signed by the proprietors of one-tenth part of the land within such boundaries :

- (3). The petition shall be supported by such evidence as the inclosure commissioners require, but the matter thereof shall not be entertained until the petitioners have given such security as the inclosure commissioners may require for the payment of costs, in the event of the petition being unsuccessful :
- (3). Upon the receipt of such petition the inclosure commissioners may, if they think fit, send an inspector to the place, for the purpose of making inquiries as to the genuineness of the petition, and as to the propriety of the proposed boundaries, and as to the number of proprietors assenting to or dissenting from the prayer of the petition :
- (4). Before commencing such inquiry the inspector shall give such notice as the inclosure commissioners direct of his intention to make the same, and of a time and place at which he will be prepared to hear all proprietors desirous of being heard before him on the subject of such inquiry, and of a further time, being not less than fourteen days, within which all proprietors intending to dissent from the prayer of the petition, must express such dissent :
- (5). The inclosure commissioners shall dismiss the petition if the proprietors of one-third part of the land within the proposed boundaries express their dissent from the prayer thereof, in writing addressed to the inclosure commissioners, and sent to their office in London within such time as aforesaid ; but if no such dissent be expressed, and if the commissioners, after hearing the report of their inspector, approve of the proposed boundaries, either with or without modification, one of her Majesty's Principal Secretaries of State shall convey an intimation of such approval to her Majesty ; and a commission of sewers for the area as proposed by the petitioners, or as modified by the inclosure commissioners, shall thereupon be issued.

6. The following persons shall be deemed to be proprietors for the purposes of this act ; that is to say—

- (1). Any person entitled for his own benefit, at law or in equity, for an estate in fee, to the possession or receipt of the rents and profits of any freehold or copyhold land, whether such land is or not subject to incumbrances :
- (2). Any person absolutely entitled in possession, at law or in equity, for his own benefit, to a beneficial lease of land of which not less than twenty-five years are unexpired, whether such land is or not subject to incumbrances ; but no lease shall be deemed to be a beneficial lease, within the meaning of this act, if the rent reserved thereon exceeds one-third part of the full annual value of the land demised by such lease :
- (3). Any person entitled under any existing or future settlement, at law or in equity, for his own benefit, and for the term of his own life, or the life of any other person, to the possession or receipt of the rents and profits of land of any tenure, whether subject or not to incumbrances, in which the estate for the time being, subject to the trusts of the settlement, is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than sixty years, or is an estate for a term of years, of which not less than sixty are unexpired, or is a greater estate than any of the foregoing estates :
- (4). The word " settlement," as herein used, shall include any act of Parliament, will, deed, or other assurance whereby particular estates or particular interests in land are created, with remainders or interests expectant thereon :
- (5). Any body corporate, any corporation sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled at law or in equity, in the case of freehold estates or copyhold estates in fee, and in the case of leasehold estates to a lease for an unexpired term of not less than sixty years.

7. Where any proprietor as hereinbefore defined is a minor, or of unsound mind, or a married woman, the guardian, committee, or husband, as the case may be, of such proprietor, shall be the proprietor within the meaning of this act ; subject to this proviso, that a married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this act, be treated as, if she were not married.

8. Where a corporation aggregate, a joint-stock or other company, or any body of proprietors or undertakers, is proprietor of any land, such corporation, company, body of proprietors or undertakers respectively, shall be deemed to be one proprietor for the purpose of giving an assent or dissent under this act, and may express their assent or dissent in writing under their common seal in the case of a corporation, and in any other case under the hands of three directors or other persons in the direction or management of the company or concern ; but no member of such corporation, nor proprietor or person interested in such company or concern, shall be entitled to dissent individually as a proprietor in respect of such land.

9. Where several persons are proprietors of land as joint tenants, coparceners, or tenants in common in undivided moieties, they shall in respect of such land be accounted as one proprietor, but the concurrence of the proprietors of two-third parts of such land shall be deemed to be the concurrence of the whole.

10. When any portion of land comprised within the boundaries referred to in any such petition as is hereinbefore mentioned, appears to have no proprietor within the meaning of this act, or the proprietor cannot be found, the land so circumstanced shall be altogether excluded in any computation that may be made of the proportion borne by the dissenting proprietors of any area of land as hereinbefore provided to the aggregate number of the proprietors of such land.

11. Any inspector sent by the inclosure commissioners in pursuance of this act may, by summons under his hand, require to appear before him any persons whomsoever, and examine them upon oath or otherwise touching any matter relating to the purposes of the inquiry, and he may by any such summons require any parochial officer, or any officer of, or acting under any corporation, guardians, or directors of the poor, and any commissioner, trustee, officer, or person acting under any local act of Parliament in force within the district to which any such inquiry may relate, to produce before him any surveys, plans, sections, rate books, or other like documents which may by reason of their office be in their custody or control, touching any matter relating to the purposes of such inquiry ; and such inspector may examine, inspect, or take copies of any such books, surveys, plans, sections, and documents, or any of them, or part thereof ; and whosoever wilfully disobeys any such summons, or prevents any such inspector from examining, inspecting, or taking copies as last aforesaid, or refuses to answer any question put to him by such inspector, for the purposes of the said inquiry, shall be liable to a penalty not exceeding 5*l.*, to be recovered in a summary manner ; but no person shall be required to attend in obedience to any summons unless the reasonable charges of his attendance have been paid or tendered to him.

12. All costs, charges, and expenses incurred by the petitioners or the inclosure commissioners in obtaining the issue of a commission of sewers in pursuance of this act shall be a charge on the rates leviable by the commissioners of sewers acting under such commission, but if no commission is issued, all such costs, charges, and expenses as aforesaid shall be defrayed by the petitioners.

13. The issue of a commission of sewers for any area shall be conclusive evidence that all the requirements of this act in respect of the issue of such commission have been complied with.

#### *Duration of Commission.*

14. A commission of sewers once issued shall be deemed to continue until such time as it may be superseded by her Majesty ; and her Majesty may from time to time, by writing under her sign-manual, fill up any vacancies that may arise in the body of commissioners assigned by any commission of sewers.

#### *Quorum.*

15. Three commissioners shall constitute a quorum at any

which case the quorum now required by law shall be necessary.

### *General Powers of Commissioners.*

16. The powers of commissioners of sewers acting within their jurisdiction shall extend to the following acts:—

- (1). To cleansing, repairing, or otherwise maintaining in a due state of efficiency any existing watercourse or outfall for water, or any existing wall or other defence against water, hereinafter referred to under the expression "maintenance of existing works :"
- (2). To deepening, widening, straightening, or otherwise improving any existing watercourse or outfall for water, or removing mill dams, weirs, or other obstructions to watercourses or outfalls for water, or raising, widening, or otherwise altering any existing wall or other defence against water, hereinafter referred to under the expression "improvement of existing works :"
- (3). To making any new watercourse or new outfall for water, or erecting any new defence against water, to erecting any machinery or doing any other act not hereinbefore referred to, required for the drainage, necessary supply of water for cattle, warping or irrigation of the area comprised within the limits of their jurisdiction, hereinafter referred to under the expression "the construction of new works :"

Provided,

- (1). That no person shall by virtue of this act be compelled to execute at his own expense any works which he would not have been compelled to execute, if this act had not passed :
- (2). That no work shall be deemed to be a new work that is in substitution for an old one, in cases where such old work is so much out of repair or so inefficient as to make it expedient to construct a new work in place thereof :
- (3). That full compensation shall be made for all injury sustained by any person by reason of the exercise by the commissioners of the above powers :
- (4). That the exercise of the foregoing powers shall be subject to the restrictions hereinafter mentioned.

17. The commissioners shall not be entitled to remove or otherwise interfere with any mill dam, weir, or other like obstruction, whereby the level of the water is raised for any milling or other purpose of profit, so as to injuriously affect the supply of water, otherwise than with the consent of the owner of such mill dam, weir, or other like obstruction, until the following things have been done ; that is to say—

- (1). Their right to do so has been determined in manner hereinafter mentioned :
- (2). Compensation has been made to all parties entitled for the injury which may be caused by such removal or interference.

18. For the purpose of determining the right of the commissioners to remove or otherwise interfere with any such dam, weir, or other like obstruction, there shall be decided, if the owner consent, by two or more justices assembled in petty sessions, but if he do not consent, by arbitration, the questions following ; that is to say—

- (1). Whether the proposed removal or interference is necessary for the effectual drainage of land within the jurisdiction of the commissioners :
- (2). Whether the proposed removal or interference will cause any injury to the owner :
- (3). Whether any injury that may be caused by the removal or interference is or is not of a nature to admit of being fully compensated for by money.

19. The consequence of any such decision shall be as follows ; that is to say—

- (1). If the decision is that such removal or interference is not necessary for the effectual drainage of the lands by the commissioners, the commissioners shall not be entitled to make the same :
- (2). If the decision is that such removal or interference is necessary for the purpose aforesaid, but that the injury to be caused thereby is not of a nature to be

necessary, and that any injury that may be caused can be fully compensated by money, the commissioners shall be at liberty to make the same, upon making compensation as hereinafter mentioned.

20. Where the decision is that the commissioners are entitled to remove or interfere with any such mill dam, weir, or other obstruction, the commissioners shall take the same steps with respect to compensating the parties interested as are required to be taken by the said Lands Clauses Consolidation Act by purchasers in cases where they are authorised to purchase or take lands by special act.

21. The commissioners shall not by virtue of this act purchase any land for new works, otherwise than by agreement with the owner thereof, until they have obtained the sanction of Parliament in manner hereinafter mentioned.

22. The commissioners, before applying for the sanction of Parliament, shall do as follows ; that is to say—

- (1). Publish once at the least in the London Gazette, and once at least in each of three consecutive weeks in some newspaper circulating within the limits of their commission, an advertisement describing shortly the nature of the undertaking in respect of which the land is proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of land that they require :

- (2). Serve a notice in manner hereinafter mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands ; such notice to be served

By delivery of the same personally on the party required to be served, or, if such party is absent abroad, to his agent ; or

By leaving the same at the usual or last known place of abode of such party as aforesaid ; or

By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such party.

23. Upon compliance with the provisions hereinbefore contained with respect to advertisements and notices, the commissioners may present a petition to the inclosure commissioners. The petition shall state the land intended to be taken, and the purposes for which it is required. It shall pray that the commissioners may, with reference to such land, be allowed to put in force the powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of land, and such prayer shall be supported by such evidence as the inclosure commissioners require.

24. Upon the receipt of such petition, and upon proof to their satisfaction of the proper advertisements having been published and notices served, the inclosure commissioners shall take such petition into their consideration, and they may either dismiss the same, or they may, if they think fit, send an inspector to the district in which the land is situate, for the purpose of making inquiry as to the propriety of assenting to the prayer of such petition.

25. Before commencing his inquiry, the inspector shall give such notice as the inclosure commissioners direct of his intention to make the same, and of a time and place at which he will be prepared to hear all persons desirous of being heard before him on the subject matter of such inquiry.

26. Upon the completion of such inquiry, the inclosure commissioners may, by provisional order, empower the commissioners to put in force, with reference to the land mentioned or referred to in such order, the powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of land ; and it shall be the duty of the inclosure commissioners, as soon as conveniently may be, to take all proper steps for the confirmation of such provisional order by act of Parliament, and when so confirmed, it shall be deemed to be a public general act of Parliament, and to take effect accordingly ; but previous to such confirmation it shall not be of any validity whatever.

27. All costs, charges, and expenses incurred by the in-

closure commissioners in relation to the obtaining any such act as aforesaid shall be paid by the commissioners out of the rates leviable by them in pursuance of this act, and applicable to the works with a view to which the provisional order was obtained.

28. Subject to the restrictions herein contained, the commissioners may purchase such lands or easements relating to lands as they may require for the purposes of this act; and the Lands Clauses Consolidation Act, 1845, and the act amending the same, passed in the session of the 23 & 24 Vict. c. 106, shall be incorporated with this part of this act, with the exceptions and subject to the conditions hereinafter contained; that is to say—

(1). There shall not be incorporated with this part of this act the sections and provisions of the Lands Clauses Consolidation Act, 1845, hereinafter mentioned; that is to say, sect. 16, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; sect. 17, whereby it is provided that the certificate of the justices should be evidence that the capital has been subscribed; the provisions relating to the entry upon lands by the promoters of the undertaking, contained in sects. 84 to 91, both inclusive; sect. 123, whereby a limit of time for the compulsory purchase of land is imposed, the provisions relating to the manner of serving notices, and the provisions relating to access to the special act:

(2). In the construction of this part of this act and the said incorporated acts, this part of this act shall be deemed to be the special act, and the commissioners shall be deemed to be the promoters of the undertaking, and the word "land" or "lands" shall include any easement in or out of lands.

29. Previously to commencing any improvements in existing works, or any new works where such improvements or new works involve an expenditure of more than 1000*l.*, the commissioners shall cause plans of the proposed work and an estimate of the expense thereof, and of the area within which a rate will be required to be levied to meet such expense, to be made, together with a list of the names and addresses of the persons reputed to be proprietors of the land within such last-mentioned area, with the addition of the number of acres of which each person is reputed to be the proprietor; and shall publish their intention to execute such works two months before commencing the same, in manner following; that is to say—

By inserting in some newspaper circulating within the limits of their commission, once in every week during such period of two months, a notice explaining briefly the nature of the work, the amount of expense to be incurred, and the area of land within which a rate is proposed to be levied for meeting such expense, describing such area by reference to a deposited plan, or by boundaries, or in such other manner as the commissioners may think best calculated to give information of their intention, and stating a place within the limits of their commission at which the plan and estimate of the works and the list of reputed proprietors may be inspected at all reasonable hours:

By placing a copy of such notice for three successive Sundays on the church door of the principal church, or some one of the churches of the parish or parishes in which such works are to be done, or, in the case of any extra-parochial place, of some parish immediately adjoining thereto.

30. Any person interested may, at any time before the expiration of such two months as aforesaid, apply to the commissioners to correct the list of reputed proprietors, by inserting or expunging the name of any person, or by altering the number of acres appropriated by such list to any proprietor, and the commissioners shall hear any application so made, and shall amend the list accordingly; and the decision of the commissioners, in respect of such list, shall be final; and at the expiration of the period of two months, or of such further period as the commissioners may fix for the purpose of hearing any application made within such period of two months, the list, as settled by the commissioners, shall be conclusive evidence of proprietorship, for the purpose of ascertaining the proportion of dissenting proprietors, as hereinafter mentioned.

31. If, within such period of two months, the proprietors of one-half of the area of land within which a rate is, according to the notice proposed to be levied, declare in writing to the commissioners, by notice left at their office, that they are unwilling that such work should be executed, the commissioners shall take no further steps therein; but if no such declaration of dissent is made, the commissioners may, at the expiration of such period of two months, commence the proposed work, and repay, out of the rates to be levied by them within the area, all expenses incurred, not exceeding the estimate published in the notice.

32. If the commissioners are unable to discover the proprietor of any lands, they shall give notice to that effect in the list of reputed proprietors made by them, and such land shall, in the event of no proprietor proving his title to have his name inserted in the list before the period hereinafter named for the completion of the list, be altogether excluded in any computation that may be made of the proportion borne by the dissenting proprietors of any area of land, as hereinafter provided, to the aggregate number of the proprietors of such land.

33. Commissioners of sewers acting within their jurisdiction may, without the presentment of a jury, make any order in respect of the execution of any work, the levying of any rate, or doing any act which they might, but for this section, have made with such presentment; subject to this proviso, that any person aggrieved by any such order made by the commissioners without the presentment of a jury, may appeal therefrom in manner hereinafter mentioned.

#### *Liabilities by reason of Tenure.*

34. The commissioners may, with the consent of the enclosure commissioners, testified in writing under their common seal, commute, for such sums of money as they think expedient, the obligation imposed on any person, by reason of tenure, custom, prescription, or otherwise, to repair any walls, maintain any sewer, or do any other work within their jurisdiction.

35. Any commutation so made may be by way of gross or annual charge on the lands of the person in respect of which the original obligation arose; and any charge so created shall be recoverable by the commissioners in the same manner in which tithe rentcharge is recoverable, and shall have priority over all incumbrances created or to be created by any proprietor of the lands on which the same is charged.

36. The record of any such charge as aforesaid shall be deposited in the office of the clerk of the peace of the county in which the district, or the greater part of the district within the jurisdiction of the commissioners is situate; and such record, or any certified copy thereof, shall be receivable in evidence in all legal proceedings.

37. Subject to the provisions hereinafter contained as to commutation of liability, the liability of any person whomsoever to defray or contribute towards the expense of making, completing, altering, amending, or maintaining any sewer or drain, or any walls or works for protecting the land against the force or encroachments of the sea or of any river, or doing any other work within the jurisdiction of the commissioners, shall continue, and the same may be enforced as if this act had not passed; and the rates to be levied under this act shall be made only for purposes to which such liability does not extend.

#### *Rating Powers.*

38. The following regulations shall be observed, with respect to rates leviable by commissioners of sewers; that is to say—

First, as to the purposes of the rates:

Rates may be levied by commissioners of sewers for defraying all costs, charges, and expenses incurred or to be incurred by them under the authority of any act of Parliament, law, or custom:

Second, as to the incidence of the rates:

(1). A rate levied by the commissioners, for the purposes of defraying the expense of any improvements in existing works, or any new works, where such improvements or new works involve an expenditure of more than 1000*l.*, shall be deemed to be a special rate, and shall be deemed to be a tax on the owners of property, but, except such special rate, rates leviable by the commissioners shall be payable by the same persons,

may be levied upon and payment thereof enforced against the occupier of such land, and his goods and chattels, in like manner as if the same were a rate due from such occupier, with this limitation, that no occupier shall be liable to pay on account of any owner any sum exceeding the rent due or that may accrue due to such owner during the period of his occupancy; and, subject to this proviso, that any occupier may, in the absence of any agreement to the contrary, deduct the sum so paid by him from any rent due or to accrue due to such owner; and the receipt of the commissioners for any rate paid by the occupier under the circumstances mentioned in this section shall, to the extent of the monies therein expressed to be paid, be a discharge as against such owner of an equivalent amount of rent:

- (3). "Owner of land," for the purposes of this section, shall mean the person for the time being entitled to receive the rack-rent of the land in respect of which the rate is made on his own account, or who would be entitled to receive the same if such land were let at a rack-rent, including under the term "rack-rent" any rent which is not less than two-thirds of the net annual value of the land out of which the rent issues:

Third, as to the assessment of the rate:

- (4). Whenever the name of any owner or occupier liable to be rated to the sewers rate is not known to the commissioners, it shall be sufficient to assess and designate him in the rate as "the owner or occupier," as the case may be, of the land in respect of which the assessment is made, without further description:

Subject as aforesaid, and without the presentment of a jury, but with such right of appeal as hereinafter mentioned, sewers rates may be assessed, levied, and enforced in the same manner in which they have heretofore been assessed, levied, and enforced; but nothing in this section contained shall affect any agreement between landlord and tenant.

39. For the purpose of assessing the sewers rate, any person appointed by the commissioners may inspect, take copies of, or make extracts from any rate for the relief of the poor within the district; and if any officer having the custody of such last-mentioned rate refuses to permit any such inspection, or the taking of any such copies or extracts, he shall for each offence incur a penalty not exceeding 5*l.*, to be recovered in a summary manner.

#### *Mortgage of Rates.*

40. The commissioners may, for the purposes of defraying any costs, charges, and expenses incurred or to be incurred by them under the authority of any act of Parliament, law, or custom, borrow, and take up at interest, on the credit of the rates authorised to be levied by them, any sums of money necessary for defraying such costs, charges, and expenses; and for the purpose of securing the repayment of any sums of money so borrowed, together with such interest as aforesaid, the commissioners may mortgage and assign over to the persons by or on behalf of whom such sums are advanced the rates or any of them; but the exercise of the above power shall be subject to the following regulations:—

- (1). The borrowing such money shall be sanctioned by an order of the inclosure commissioners:
- (2). Any money so borrowed may, by agreement with the mortgagee, be paid off by equal annual instalments of principal and interest, and such borrowing may be for such time, not exceeding thirty years, as the commissioners, with the sanction of the inclosure commissioners, determine in each case:

And in cases where the commissioners borrow any money for the purpose of defraying expenses in respect of which they have determined a part only of the district within their jurisdiction to be liable, it shall be the duty of the commissioners, as between the ratepayers of the district, to repay the money so borrowed, with interest thereon, out of rates to be levied on such part of the district only.

41. The clauses of the Commissioners Clauses Act, 1847, with respect to mortgages to be created by the commissioners,

42. Where any notice is required to be given by the commissioners, such notice shall in all cases be sufficiently executed if signed by the clerk to the commissioners; and every notice purporting to be signed by such clerk shall be receivable in evidence before all legal tribunals, and in all legal proceedings, without any other proof.

43. All notices served by the commissioners on any proprietor or owner shall, if due service thereof has been made, be binding on all persons claiming by, from, or under such proprietor or owner, to the same extent as if such notices had been served on such last-mentioned persons respectively.

44. Except where a special mode of service is provided by this act, all notices required to be served by the commissioners upon any proprietor or owner of lands shall either be served personally on such parties, or be left at their last usual place of abode, if any such can, after diligent inquiry, be found; but in case any such parties are absent from the United Kingdom, and their last usual place of abode cannot be found, after diligent inquiry, such notices shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

45. If any proprietor or owner on whom notice is to be served is a corporation aggregate, or joint stock or other company, or body of proprietors or undertakers, such notice shall be left at the principal office of such corporation, company, or body, or if no such office can, after diligent inquiry, be found, shall be served on some agent, if any, of such corporation, company, or body; but if no such officer or agent can be found, it shall be left with the occupier of the lands, or if there be no such occupier, shall be affixed on some conspicuous part of such lands.

46. Except where a special mode of service is provided by this act, all notices required to be served by the commissioners upon the occupier of any land shall either be served personally on him or be left at his last usual place of abode, if any such can, after diligent inquiry, be found; and in case he is absent from the United Kingdom, and his last usual place of abode cannot be found, after diligent inquiry, it shall be affixed on some conspicuous part of such premises.

47. Where any order, requisition, or rate has been made by the commissioners, or any act done by them, without the presentment of a jury, in pursuance of the powers of this act, any person aggrieved by such order, requisition, or rate, may appeal to the court of quarter sessions against any such order, requisition, rate, or act, and the court may confirm, annul, or modify the same accordingly; but no such appeal shall be entertained unless it is made within four months next after the making of such order or requisition, or the making such rate, or the doing of such act, nor unless ten days' notice in writing of such appeal, previously to the quarter sessions, stating the nature and grounds thereof, is served on the commissioners, nor unless the appellant, within four days after the service of such notice, enter into recognisances, with two sufficient sureties, before a justice of the peace, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

48. If at any time after such notice of appeal has been given, and such recognisance has been entered into as aforesaid, it appears to the court of quarter sessions, on the application of either party, that the matter in question in such appeal consists wholly or in part of matters of mere account, or of engineering or other scientific questions, which cannot be satisfactorily tried by the court, it shall be lawful for such court to order that such matters, either wholly or in part, be referred to the arbitration of one or more persons, to be appointed by the parties, or, in case of disagreement, by the court; and the award made on such arbitration shall be enforceable by the same process as the order of the court of quarter sessions.

49. The provisions of the Common-law Procedure Act, 1854, relating to compulsory references, shall be deemed to extend to arbitrations directed by the court of quarter sessions; and the word "court" in the said act shall be deemed to include the court of quarter sessions.

50. Where any questions are declared by this part of this act to be determinable, at the option of the owner, by justices

or by arbitration, the owner shall be deemed to have declared his assent to the determination thereof by justices, unless he require the commissioners to refer the same to arbitration, by notice under his hand, served on the commissioners within ten days after he has received notice from them of their intention to have such questions determined; and where the justices have cognisance of the case, the same proceedings shall be had as are required under the Lands Clauses Consolidation Act, 1854, in case of a question of disputed compensation authorised to be settled by two justices; and where such questions are referred to arbitration, the same proceedings shall be had as required by the said act where any question of disputed compensation authorised to be settled by arbitration has arisen; subject to this proviso, that the costs of such arbitration shall be in the discretion of the arbitrators.

51. All penalties and sums of money directed to be recovered in a summary manner shall be recovered before two justices in manner directed by the act passed in the session holden in the 11 & 12 Vict. c. 43, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales, with respect to summary Convictions and Orders," and of any act amending the same.

52. All costs, charges, and expenses incurred by the commissioners in instituting or defending any legal proceedings instituted or defended by them in their character of commissioners may be defrayed out of the rates leviable by them, and no commissioner shall be personally liable in respect of any such costs, charges, or expenses.

#### *Tender of Amends.*

53. If any party has committed any irregularity, trespass, or other wrongful proceeding in the execution of this act or any act relating to commissioners of sewers, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party makes tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender has been made it shall be lawful for the defendant, by leave of the court where such action is pending, at any time before issue joined, to pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

#### *Saving Clauses and Miscellaneous.*

54. Nothing in this act shall authorise the commissioners or any drainage board or owner—

(1). To interfere with any sewers or other works already or hereafter made and used for the purpose of draining, preserving, irrigating, or improving land under any local or private act of Parliament, so as to injuriously affect the same;

(2). To interfere with any river, canal, dock, harbour, lock, reservoir, or basin, or the supply of water to any river, canal, dock, harbour, lock, reservoir, or basin, so as to injuriously affect the navigation on such river, canal, dock, harbour, lock, reservoir, or basin, or the use or maintenance thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are by virtue of any act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, dock, harbour, lock, reservoir, or basin any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals are entitled by virtue of any act of Parliament to the receipt of any tolls or other dues;

(3). To interfere with the works or supply of water of any body or persons, corporate or unincorporate supplying water to any town or place, so as to injuriously affect the same;

(4). To execute any works in, through, or under any wharves, quays, docks, harbours, or basins, belonging to the proprietor or proprietors of any inland navigation constituted by act of Parliament, or for

the use of which they are entitled by virtue of any act of Parliament to demand any tolls or dues;

without the consent of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as are hereinbefore in that behalf respectively mentioned, such consent to be expressed in writing, in the case of individuals, under their hands, in the case of a corporation, under their common seal, and in the case of a company, undertakers, commissioners, conservators, or trustees, under the hand of their clerk or other duly authorised officer or agent.

55. Nothing in this act shall authorise the commissioners to divert any river, in such manner as to injure or to diminish the supply of water to any harbour, without the consent of the conservators or other authority having the management of such harbour.

56. Any corporation, company, undertakers, commissioners, conservators, trustees, or individuals authorised by virtue of any act of Parliament to navigate on, or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes, equally effectual, and certified as such by the surveyor of the commissioners or drainage board, take up, divert, or alter the level of sewers, drains, culverts, or pipes constructed by the commissioners or drainage board, and passing under or interfering with, or with the improvement or alteration of such river, canal, dock, harbour, or basin, or the towing-path of such river, canal, dock, harbour, or basin, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion or alteration.

57. Nothing in this act shall be construed to make liable to the control of the commissioners any river, canal, or inland navigation, or the cuts, reservoirs, feeders, or other works belonging thereto, in cases where such river, canal, or inland navigation is now under the provisions of any local or private act of Parliament exempt from such control.

58. No person shall, without the consent of the commissioners, cause any filthy or unwholesome water, or washings of manufactories or mines, or other foul or poisonous liquid, to flow into any watercourse within the jurisdiction of the commissioners of sewers; and any person offending against this enactment shall incur a penalty not exceeding 5*l.*, and a further penalty of 40*s.* for every day during which the offence is continued; but this section shall not apply to any person having a legal right to cause such water, washing, or liquid as aforesaid to flow into any existing watercourse.

59. Commissioners of sewers having jurisdiction within any area may, with the consent of the commissioners of sewers, having jurisdiction within any adjoining area, do and execute in such adjoining area any works that such first-mentioned commissioners might do and execute, within their own area, upon such terms as to payment or otherwise as may be agreed upon between the said bodies of commissioners; and any sums agreed to be paid by any body of commissioners, in pursuance of this section, shall be payable out of the rates leviable by such commissioners, in the same manner as if the expenses had been incurred within their own area; and the powers hereby given to one body of commissioners, in relation to another body of commissioners, may be exercised by them in relation to any drainage board constituted under this act, or by any such drainage board in relation to any other drainage board.

60. All powers given by this part of this act shall be deemed to be in addition to, and not in derogation of, any other powers conferred on commissioners of sewers by act of Parliament, law, or custom; and commissioners of sewers may exercise such other powers in the same manner as if this act had not passed; and notwithstanding anything in this act contained, commissions of sewers may be issued by her Majesty in manner in which the same have been issued previously to the passing of this act.

61. Nothing in this act shall alter, interfere with, or affect any lease, contract, or agreement that may have been entered into between landlord and tenant before the passing of this act.

62. Where, in exercise of any powers given by this act, any watercourse forming a boundary line between two or more counties, hundreds, parishes, or other areas defined by law,

made, shall forthwith report the same to the inclosure commissioners, and the inclosure commissioners, if satisfied that a new boundary line may be adopted with convenience, shall, by notice to be published in the London Gazette, and in such other manner as they may direct, declare that the watercourse, as altered, shall, either wholly or partially, be substituted for the former boundary line, and the limits of the areas of which the watercourse, when unaltered, was the boundary, shall be deemed to be varied accordingly; but if the inclosure commissioners are of opinion that a new boundary cannot wholly or partially be adopted with convenience, they shall require the commissioners, board, persons, or person under whose authority the alteration in the watercourse was made to set out a boundary upon the line of the watercourse as it existed before its alteration, or in a new course in lieu thereof, in such manner as the inclosure commissioners approve; and a copy of the London Gazette containing the advertisement in respect of any alteration of boundary made in pursuance of this section shall be admitted as evidence in all courts of justice of the fact of such alteration having been made.

## PART II.

### *Elective Drainage Districts.*

63. Any persons or body of persons, corporate or unincorporate, being proprietors of not less than one-tenth part in acreage of any bog, moor, or other area of land that requires a combined system of drainage, warping, or irrigation, may, with the consent of the inclosure commissioners, and subject to the confirmation of Parliament as hereinafter mentioned, constitute such bog, moor, or other area a separate drainage district; subject to this proviso, that no place within the limits of any commission of sewers, or of any borough, or of any district under the management of a local board of health, or of improvement commissioners, shall form a separate drainage district, or any part thereof, without the consent of the commissioners of sewers, council, local board of health, or improvement commissioners having jurisdiction in such place.

64. The following proceedings shall be taken for the purpose of obtaining the sanction of the inclosure commissioners:—

- (1). A petition shall be presented to them, stating the proposed boundaries of the district, by reference to a map, or in such other manner as the inclosure commissioners think expedient: it shall be signed by such proprietors as aforesaid, and be supported by such evidence as the inclosure commissioners require:
- (2). Upon the receipt of such petition, the inclosure commissioners shall send an inspector to the district, for the purpose of making inquiries as to the propriety of constituting the proposed district, and as to the assent of the proprietors thereto:
- (3). The inspector shall proceed to the district, and shall ascertain the opinion of the proprietors in respect to the constitution of the district:
- (4). The inspector shall report the result of his inquiries to the inclosure commissioners, and they may, if satisfied with the propriety of constituting the district, and that the proprietors of two third parts of such bog, moor, or other area are in favour thereof, make a provisional order declaring the area in such order mentioned to be a drainage district:
- (5). Notice of the provisional order shall be published in the London Gazette, and in some other newspaper circulating in the district to which it relates, and copies thereof shall be served in such manner and upon such persons as the inclosure commissioners may require:
- (6). Upon the receipt of the report of the inspector, the inclosure commissioners may, by provisional order under their seal, constitute the area mentioned in the petition, with such alterations of boundaries, if any, as they think fit, a separate drainage district; and it shall be the duty of the inclosure commissioners, as soon as conveniently may be, to take all proper steps for the confirmation of such provisional

to such confirmation it shall not be of any validity whatever:

- (7). No petition for constituting an elective drainage district under this act shall be entertained until the petitioners have given such security for costs as the inclosure commissioners require; and in the event of a drainage district not being constituted in pursuance of a petition, the petitioners shall pay all costs, charges, and expenses, including the expense incurred by the inclosure commissioners and their inspector; but in the event of the drainage district being constituted, such costs, charges, and expenses shall be a first charge on the rates leviable in the district in pursuance of this act.

65. The making of a provisional order shall be conclusive evidence that all the requirements of this act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

### *Drainage Boards.*

66. The superintendence of matters relating to drainage within a drainage district shall be vested in a board, hereinafter called a drainage board, and such board shall be a body corporate, with perpetual succession and a common seal, having a capacity to hold lands for all the purposes of their constitution.

67. All powers by this act, or by any other act of Parliament, law, or custom, vested in or exercisable by commissioners of sewers within the limits of their jurisdiction may, upon the constitution of a drainage district, be exercised by the drainage board of such district within its limits; and all powers hitherto exercisable by commissioners of sewers within such district shall cease; subject to this proviso, that any person aggrieved by any order, requisition, or rate made by the drainage board, or any act done by them, may appeal therefrom in the same manner in which he is by this act authorised to appeal against any order, requisition, or rate made by the commissioners or any act done by them.

68. Subject to any provisions to the contrary that may be made by the provisional order constituting the district, the following regulations shall be made with respect to drainage boards:—

- (1). The members of the first drainage board shall be named in the provisional order, and such order shall fix the number of which the board is to consist, the mode of summoning the first meeting of the board, the qualification of subsequent members of the board, and the time at which the first members of the board are to vacate their offices, such time not being later than the end of the month of September in the year following that in which the provisional order is confirmed by Parliament:
- (2). The members of every board succeeding the first board shall vacate their offices on the first Thursday in September in each succeeding year, or on such other day in September as may be prescribed by the board:
- (3). The offices of vacating members shall be filled up by an equal number of qualified persons to be elected as hereinafter mentioned:
- (4). Every member of a drainage board going out of office shall be re-eligible, and if at any time when an election of members ought to take place the places of any retiring members are not filled up, the retiring members, whose places are not filled up, shall continue in office until the succeeding year:
- (5). Any casual vacancy occurring in the board may be filled up by the board; but any person so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred:
- (6). During any vacancy in the board the continuing members shall act as if such vacancy had not occurred:
- (7). If a member of a drainage board is adjudged bankrupt, or applies to take the benefit of any act for the relief or protection of insolvent debtors, or



comparisons with the creditors, such person shall cease to be a member of the board, and his office shall thereupon be vacant:

- (8). Any person who acts as member of a drainage board without being duly qualified, or after he has become disqualified, shall incur a penalty not exceeding 50*l.*; and in any proceeding for the recovery of such penalty the burden of proving qualification shall be upon the person against whom such proceeding is taken:
- (9). All acts done by any meeting of a drainage board, or of any committee of a drainage board, or by any person acting as a member of a drainage board, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such board or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member.

69. Subject to any provisions to the contrary that may be made by the provisional order constituting the district, the following rules shall be observed with respect to the electors of drainage boards:—

- (1). The electors for members of a drainage board for any district shall be the persons who have during the year immediately preceding such election been rated to the sewers rate of the district, and have paid all sewers rates due from them at the time of their election:
- (2). Each elector shall vote according to the following scale; that is to say—
  - If the property in respect of which he is entitled to vote be rated upon a rateable value of less than 50*l.* he shall have one vote;
  - If such rateable value amount to 50*l.* and be less than 100*l.*, he shall have two votes;
  - If it amount to 100*l.* and be less than 150*l.*, he shall have three votes;
  - If it amount to 150*l.* and be less than 200*l.*, he shall have four votes;
  - If it amount to 200*l.* and be less than 250*l.*, he shall have five votes;
  - If it amount to 250*l.*, he shall have six votes;
  - If it amount to 500*l.* and be less than 1000*l.*, he shall have eight votes;
  - If it amount to or exceed 1000*l.*, he shall have ten votes.

70. Subject to any provisions to the contrary that may be made by the provisional order constituting the district, the mode of electing members of drainage boards, and the proceedings of drainage boards, shall be conducted in manner directed by the schedule annexed hereto.

71. The provisions of the Commissioners Clauses Act, 1847, with respect to—

- (1). The contracts to be entered into, and deeds to be executed by the commissioners;
- (2). The liabilities of the commissioners, and to legal proceedings by or against the commissioners;
- (3). The appointment and accountability of officers of the commissioners;
- (4). The accounts to be kept by the commissioners;
- (5). The giving notices and orders,

shall be incorporated with this part of this act; and in the construction of this part of this act and the said incorporated provisions, Part II of this act, and the act of Parliament confirming the provisional order, shall together constitute "the special act."

### PART III.

#### *Power of private Owners to procure Outfalls.*

72. Any person interested in land, who is desirous to drain the same, and in order thereto deems it necessary that new drains should be opened through lands belonging to another owner, or that existing drains in lands belonging to another owner should be cleansed, widened, straightened, or otherwise improved, may apply to such owner, who is hereinafter referred to as the adjoining owner, for leave to make such drains, or improvements in drains, through or on the lands of such owner.

73. Any such application as aforesaid shall be by notice in

writing under the hand of the applicant, and shall be served on the owner, and also on the occupier if the owner be not the occupier, in manner in which notices are required to be served on owners and occupiers under the first part of this act. The notice shall state the nature of such drains, or improvements in drains, be accompanied by a map, on which the length, width, and depth of the proposed drains, or improvements in drains, shall be delineated, and shall further state the compensation, if any, which the applicant proposes to pay.

74. The adjoining owner may, by deed under his hand and seal, assent to such application, upon such terms, and on payment of such compensation as he may require; and any assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions:—

- (1). That any arrangement entered into by any adjoining owner under any disability or incapacity, or not having power to assent to such application, except under the provisions of this act, shall not be valid unless the same is approved by two surveyors, one of whom is to be nominated by the applicant and the other by the adjoining owner; and each of such surveyors, if they approve of the arrangement, shall annex to the document containing the same a declaration to that effect, subscribed by them:
- (2). That any compensation to be paid by the applicant to the adjoining owner, in cases where such owner is under any disability or incapacity, or has not power to assent to such application, except under the provisions of this act, shall be applied in manner in which the compensation coming to parties having limited interests, or prevented from treating, and not making title, is applicable under the Lands Clauses Consolidation Act, 1845:
- (3). That any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the making of the proposed drains, or improvements in drains, so that the claim therefor be made within twelve months after completion of such drains, or improvements in drains, the amount of such compensation to be determined, in case of dispute, in the manner in which disputed compensation for land is required to be determined by the said Lands Clauses Consolidation Act, 1845.

75. The applicant shall forward to the clerk of the peace of the county, riding, or division of the county wherein the land is situate, the deed containing the assent of the adjoining owner to the proposed drains, or improvements in drains, who shall keep the same in his office as a record of the proceedings between the parties.

76. The adjoining owner shall be deemed to have dissented from the application made to him if he fail to express his assent thereto within one month after the service of the notice of application on him; and in the event of such dissent there shall be decided, by two or more justices in petty sessions assembled, unless the adjoining owner require the same within such period of one month, to be decided by arbitration, the questions following; that is to say—

- (1). Whether the proposed drains or improvements in drains will cause any injury to the adjoining owner, or to the occupier or other person interested in the lands:
- (2). Whether any injury that may be caused, is or is not of a nature to admit of being fully compensated for by money:

And the provisions of the first part of this act relating to the decision of the questions therein mentioned shall apply to the decision of the questions mentioned in this section.

The result of any such decision shall be as follows; that is to say—

- (1). If the decision is that no injury will be caused to the adjoining owner, to the occupier, or other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains:
- (2). If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, but that such injury is of a nature to admit of being fully compensated by money, the

may proceed to make the proposed drains or improvements in drains :

- (3). If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the applicant shall not be entitled to make the proposed drains or improvements in drains.

77. Where the compensation assessed by the justices or arbitrators under the last preceding section is payable to any owner or other person who is under any disability or incapacity, or is not entitled to receive the same for his own benefit, such compensation shall be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating and not making title, is applicable under the Lands Clauses Consolidation Act, 1845.

78. The justices or arbitrators, as the case may be, in the event of their approving of a scheme of drainage as proposed by the applicant or as modified by themselves, shall cause a map thereof to be prepared, and shall certify under their hands the correctness of such map; and it shall be the duty of the applicant to forward the same to the clerk of the peace of the county, riding, or division of the county wherein the land is situate, who shall keep the same in his office as a record of the proceedings between the parties.

79. After drains have been opened or improvements in drains made, in pursuance of part three of this act, it shall be lawful for the applicant, his heirs and assigns, for ever thereafter, from time to time as it becomes necessary, to enter upon the lands through which such drains have been opened or improvements made, for the purpose of clearing out, scouring, and otherwise maintaining the same in a due state of efficiency, and if such drains or improvements in drains are not kept so cleared out, scoured, and maintained in a due state of efficiency, the owner or occupier for the time being of the lands through, or on which such drains or improvements in drains are made, may clear out, scour, and otherwise maintain the same in a due state of efficiency, and recover the expenses incurred in such clearing out, scouring, or maintenance, in a summary manner, from the applicant, his heirs or assigns.

80. The owner for the time being of the land through or in which any drain may be opened, or improvements in drains made, in pursuance of Part III of this act, may fill up, divert, or otherwise deal with such drains or improvements in drains, on condition of first making and laying down in lieu thereof drains equally efficient; and any dispute as to the efficiency of drains so laid down shall be decided by two or more justices assembled in petty sessions.

81. Any person who wilfully obstructs any person making any drains or improvements in drains in pursuance of Part III of this act, and any person who wilfully dams up, obstructs, or in any way injures any drains or improvements in drains so opened or made, shall for each offence incur a penalty not exceeding 10*l.*, to be recovered in a summary manner.

82. All costs, charges, and expenses reasonably incurred by the adjoining owner in respect of any application made in pursuance of this part of this act shall be defrayed by the applicant.

83. Where any person is desirous, in pursuance of this part of this act, of constructing any drain by means whereof any brook, river, or other natural watercourse, will be diverted from its ordinary channel into any other brook, river, or natural watercourse, he shall cause a copy of the notice hereby required to be served on the adjoining owner to be published by advertisement once at least in each of three successive weeks in some local newspaper circulating in the district in which the drain proposed to be constructed is situate, and to be served in manner in which notices are required to be served under the first part of this act (where no special mode of service is prescribed) on all owners of land abutting upon the brook, river, or other natural watercourse into which the diversion is made, and situate within four miles of the point of junction, and shall deposit a copy of the map hereby required to accompany the notice served on the adjoining owner with the clerk of the peace of the county, riding, or division of a county wherein the proposed drain is situate;

from such drain on the person proposing to make the same, and thereupon such owner shall be deemed to have dissented, and shall be entitled to the same rights and privileges under this part of this act as if he were the adjoining owner.

## SCHEDULE REFERRED TO IN THE FOREGOING ACT.

### PART I.

#### *Rules as to Election of Members of Drainage Boards.*

The chairman of the board of the previous year, or some person appointed by him, shall be the returning officer.

If at any time, from any default of such chairman as aforesaid, or from any reason there is no returning officer, or such returning officer is unwilling or unable to act, the inclosure commissioners may, on the application of any member of the board, appoint a returning officer.

The election of new members shall take place on the first Thursday, or on such other day as may be appointed by the board, in September in every year, excepting the year in which the provisional order is confirmed by Parliament.

On every occasion of the election of new members of the board, the returning officer shall convene a meeting of the electors for the purpose of such election, and shall give notice of such meeting, and of the time and place at which it is to be held—

By advertisement in some one or more of the newspapers circulating in the district :

• By causing a copy of such notice to be affixed to the outer door of the principal office of the board.

The returning officer shall preside and regulate the proceedings at such meeting.

At any such meeting as aforesaid any person or persons may, if he or they consent thereto, be nominated by any elector, and seconded by any other elector, as a member or members of the board.

If more candidates are proposed than the number to be elected, a poll may be demanded, and shall be taken in manner hereinafter mentioned; but if not, or if no poll is demanded, a declaration by the returning officer that the candidates are elected members of the board shall be evidence of the fact.

When a poll is demanded, the returning officer shall direct the same to be taken at such place or places within the district, on such day not exceeding one clear day from the day appointed for the election, as he may determine.

Votes may be given either personally or by proxy. A proxy shall be appointed under the hand of the appointor, but he shall not be entitled to vote unless the instrument appointing him was deposited at the office of the board seven days before the day of election at which such proxy proposes to vote; but no person shall be appointed a proxy unless he is a qualified elector.

The poll shall be opened at nine o'clock of the forenoon of the appointed day, and shall close at four o'clock in the afternoon of the same day, except in the case of disturbance, when the closing of the same may be fixed to take place at such time as the returning officer directs.

The poll at any place of voting may be closed at any time before four of the clock if one hour has elapsed during which no vote has been tendered at such place of voting.

The returning officer shall cause to be entered in the polling books the name and address of every voter, and the manner in which he votes.

At the close of the poll the returning officer shall sum up the votes, and as soon as possible publish the names of the candidates elected as herein mentioned :—

(1). By advertisement in some one or more newspaper or newspapers circulating in the district :

(2). By affixing a list of such candidates to the outer door of the principal office of the board.

Whenever any day hereby appointed for any purpose happens to be a Sunday, the business so appointed to be done shall take place on the Monday following.

### PART II.

#### *Rules as to Proceedings of Drainage Boards.*

1. A drainage board shall meet together for the despatch

of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit, subject to the following condition:—That,

- (a). No business shall be transacted at any meeting unless at least three members are present at the commencement and close of such business.
- (b). No order involving an expenditure of more than 100*l*. shall be made by the board unless at the least one month's previous notice, specifying the work to be undertaken, or the other matter to which such order relates, and naming a day on which a meeting of the board is to be held for considering the matter to be ordered, has been sent by circular to each member of the board.
- (c). All questions shall be decided by a majority of votes of the members present.
- (d). The names of the members present, as well as of those voting upon each question, shall be recorded.

2. The board shall, at their first meeting, and afterwards from time to time at their first meeting after each annual election, appoint one of their number to be chairman for the year following such choice.

3. If any casual vacancy occurs in the office of chairman, the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose some member of their number to fill such vacancy; and every such chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. The board may delegate any of their powers to committees, consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of the powers delegated, conform to any regulations that may be imposed on them by the board.

7. A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

8. A committee may meet and adjourn as they think proper. Questions at any meeting shall be determined by a majority of votes of the members present; and in case of an equal division of votes the chairman shall have a second or casting vote.

9. The board shall cause minutes to be made in books provided for that purpose:—

- (1). Of all the appointments of officers made by the board;
- (2). Of the names of the members present at each meeting of the board and committees of the board;
- (3). Of all orders made by the board and committees of the board; and,
- (4). Of all resolutions and proceedings of meetings of the board and of committees of the board.

And any such minutes as aforesaid, if signed by any person purporting to be the chairman of any meeting of the board, or committee of the board, shall be receivable in evidence, without any further proof.

#### CAP. CXXXIV.

An Act to amend the Law relating to Bankruptcy and Insolvency in England. [6th August, 1861.]

Sect. 1. *As to the powers and jurisdiction of the Court of Bankruptcy.*

2. *Present and future commissioners of the court in London.*
3. *Jurisdiction of county courts under this act.*
4. *Power to transfer jurisdiction, &c. of commissioners to county courts in case of vacancies.*
5. *Power to create additional county courts, and to invest the judges thereof with jurisdiction in bankruptcy, and to make new arrangement of districts.*

6. *Appointment, qualifications, and jurisdiction of judges of such courts.*
7. *Oath to be taken by county court judges before acting in bankruptcy.*
8. *Chief registrar, &c. to hold office during good behaviour, and vacancies to be filled up by Lord Chancellor.*
9. *Power to appoint additional registrars.*
10. *As to duties of county court registrars.*
11. *As to duties of high bailiffs of county courts.*
12. *Abolition of office of accountant in bankruptcy upon the first vacancy.*
13. *Taxing master.*
14. *Registrars in country districts to be taxing officers.*
15. *As to the settlement of charges of auctioneers, appraisers, valuers, and accountants.*
16. *Reduction in the number of official assignees.*
17. *Messengers.*
18. *Vacancies need not be filled up.*
19. *Commissioners of Insolvent Debtors Court released.*
20. *Insolvent jurisdiction of county courts discontinued.*
21. *As to provisional assignees.*
22. *As to duties of other officers of the Insolvent Debtors Court. Nothing to deprive officers of superannuation allowances under the 4 & 5 Will. 4, c. 24, and 5 & 6 Will. 4, c. 42.*
23. *Chief clerk of court to make returns of pending business to Lord Chancellor.*
24. *Power of courts to proceed summarily in winding up matters depending.*
25. *Recognisances of sureties entered into under the 1 & 2 Vict. c. 110, for enforcing attendance of insolvents, extended.*
26. *Insolvency fund.*
27. *Records of Court of Insolvency.*
28. *Chief commissioner's salary continued.*
29. *Salaries of officers of the Court of Bankruptcy.*
30. *Salaries to present officers of the Insolvent Debtors Court.*
31. *Fees to be taken by official assignees. Salaries of official assignees.*
32. *Remuneration of messengers. Surplus fees to be paid over.*
33. *Retiring pensions to officers.*
34. *Provision as to annuitants accepting other public offices.*
35. *Compensations.*
36. *Incidental expenses.*
37. *Court fee abolished.*
38. *Per-centage upon estates abolished.*
39. *General orders to direct what fees to be paid. Fees to be received in stamps.*
40. *Fees may be altered by general order.*
41. *Certain documents to be on stamped vellum, &c. in lieu of fees.*
42. *Documents not to be received without a stamp. Provision where so received through mistake.*
43. *Officers, &c. taking fees improperly.*
44. *Officers of the court may be dismissed for fraud or wilful neglect in relation to stamps.*
45. *Purposes for which general orders are to be framed.*
46. *General orders in county courts.*
47. *Alteration of general orders. All general orders to be laid before Parliament.*
48. *Sittings of the court.*
49. *Lord Chancellor to regulate sittings in vacation.*
50. *Evidence, how to be taken.*
51. *Judges may sit at chambers.*
52. *Registrars, their powers and jurisdiction. Registrars to sit in chambers. County court registrars.*
53. *Parties may take the opinion of the commissioner. Certificates of registrars at chambers to be binding.*
54. *Penalties upon parties and witnesses not attending, or wilfully swearing falsely, before registrar.*
55. *Persons refusing to answer may be ordered to pay costs.*

*Expenses of such registrar, &c. Power of registrar as acting.*

59. *Questions of fact may be tried by a jury.*
60. *Issues may be directed.*
61. *Appointment of short-hand writers.*
62. *Declaration to be made by short-hand writer.*
63. *Sealing and signature of warrants.*
64. *Records and proceedings to be sealed.*
65. *Want of form, where not to invalidate proceedings.*
66. *Appeal from county courts.*
67. *Returns to Parliament.*
68. *Buildings.*
69. *Abolition of distinction between trader and non-trader.*
70. *Non-trader going or remaining abroad, or making fraudulent conveyance, with intent to defeat or delay his creditors. Rules to be observed before adjudication under this section. Proviso.*
71. *Trader or non-trader lying in prison, or escaping out of prison.*
72. *Trader or non-trader filing a declaration that he is unable to meet his engagements.*
73. *Trader debtor suffering execution to be levied.*
74. *Goods, &c. taken in execution to be sold by auction.*
75. *As to petition by or against trader or non-trader, followed by adjudication, in the foreign dominions of the Crown.*
76. *Judgment debtor summons against traders and non-traders; who may sue them out, and when.*
77. *The lile, in cases of disobedience to decrees in equity, or order in bankruptcy, insolvency, or lunacy.*
78. *Court out of which such summons shall issue.*
79. *Service of summons.*
80. *Duplicate of summons.*
81. *Where service cannot be effected &c., court may order notice in the London Gazette, &c.*
82. *Procedure upon appearance of debtor.*
83. *Adjudication upon summons, and non-payment, or failure to secure or compound.*
84. *Time to show cause against adjudication. Adjudication, when to become absolute. Stamp duty thereupon.*
85. *Debtor refusing to conform may be committed.*
86. *Debtor may petition for adjudication against himself.*
87. *Proceedings to obtain adjudication of bankruptcy to be by petition upon oath. Proceedings, &c. upon filing petition.*
88. *Where petition shall be filed and prosecuted. Powers to consolidate, impound, and transfer proceedings upon petition.*
89. *Amount of petitioning creditor's debt.*
90. *Debt of petitioning creditor of a non-trader must be contracted after passing of act, &c.*
91. *Petition fraudulently or maliciously filed, the court may order satisfaction.*
92. *Petition by the public officer of co-partnership.*
93. *Debtor petitioning against himself to file statement of debts.*
94. *Debtors residing in the metropolitan district to file petition in the London court; not residing in the metropolitan district, in county court.*
95. *Notice to gaoler.*
96. *Where petitioner does not proceed, power for court to adjudicate.*
97. *What shall be reckoned as debts for the purposes of a petition under this act.*
98. *Power for prisoners for debt to petition in form of pauper's.*
99. *Proceedings upon such petition.*
100. *Gaoler to make monthly return of all prisoners for debt.*
101. *Registrar to attend at the gaol, and examine every prisoner in such return. Power for registrar to make order of adjudication.*
102. *Where such prisoner refuses to conform, the court may commit him.*

105. *Discretion of county court judge under stats. 8 & 9 Vict. c. 127, and 9 & 10 Vict. c. 95.*
106. *Adjudication in case of lunatic prisoners for debt.*
107. *Power thereupon for justice of the peace to remove such prisoners to county asylum.*
108. *Official assignee to take possession.*
109. *Meeting of creditors. Proof of debts. Transfer to county court.*
110. *Option to creditors.*
111. *Amendment of the 12 & 13 Vict. c. 106, s. 123, as to attestations to admissions of debt.*
112. *Form of warrant for commitment of bankrupt. Copy of his examination to be delivered to person committed.*
113. *Discharge of person committed.*
114. *As to copyholds and customary lands of bankrupt.*
115. *Life estate in remainder, &c.*
116. *Creditors' assignee, when and how to be chosen.*
117. *On appointment of creditors' assignee, bankrupt's estate vested in the same.*
118. *Official assignee to render account to the creditors' assignee.*
119. *Creditors' assignee shall audit accounts of official assignee.*
120. *Custody of bankrupt's books.*
121. *Bankrupt's books not subject to lien.*
122. *Security by creditors' assignee.*
123. *Certificate of appointment of assignee.*
124. *Removal of creditors' assignee or manager.*
125. *Mode of electing new creditors' assignee; his powers and duties.*
126. *As to valuation of bankrupt's property.*
127. *Duties of creditors' assignee.*
128. *The official assignee to collect debts under 101.*
129. *Creditors' assignee to render accounts to the official assignee every three months. If no creditors' assignee appointed, official assignee to render accounts.*
130. *Accounts to be printed and circulated.*
131. *Assignees may elect to take lease for limited period.*
132. *Mortgages may bid at sale.*
133. *Power to mortgage or pledge bankrupt's property.*
134. *Portion of pay, half-pay, salary, or pension of bankrupt to be applicable for creditors.*
135. *Sequestration of profits of benefice of bankrupt clergyman may be obtained.*
136. *Court may determine on all differences between assignees and creditors, or between parties claiming under trust deeds.*
137. *Power for assignees to sell bankrupt's book debts, goodwill, &c.*
138. *Disposal or custody of bankrupt's books and papers after his affairs are wound up.*
139. *Removal of creditors' assignee.*
140. *Court to appoint sitting for last examination and application for discharge.*
141. *The bankrupt to prepare and file a statement of accounts.*
142. *Statement of accounts to be open to creditors.*
143. *Official assignee to assist in preparing such statement, and to file therewith a report upon the state of the bankrupt's affairs. Power to grant assistance to bankrupt to make out statement under special circumstances.*
144. *When and how debts may be proved. Declaration for proof of debt.*
145. *Falsely declaration a misdemeanour.*
146. *Proof in court or in chambers, or before a registrar, or by affidavit.*
147. *Official assignee to examine all statements of account, and make out list of creditors who have proved.*
148. *Power to examine upon oath alleged creditors, &c.*
149. *Proof for money, costs, &c. of which payment may be enforced by process of contempt.*
150. *Proof for proportionate part of rent and other payments falling due at fixed periods.*

151. Proof in case of debt payable by instalments.
152. Proof in respect of distinct contracts.
153. Proof in respect of unliquidated damages.
154. Proof for premiums upon policies of insurance.
155. How proof may be expunged or reduced.
156. One year's parochial rates may be paid in full.
157. Classification of certificates abolished. Form of discharge where suspended, or bankrupt sentenced to imprisonment.
158. Appointment of sitting for considering question of granting order of discharge.
159. Rules as to granting order of discharge.
160. Application for order of discharge where certificate of conformity has been refused.
161. Effect of order of discharge.
162. Release of bankrupt when arrested after discharge.
163. Effect of order in case of partners, &c.
164. Contract, &c., pending proceedings in bankruptcy, not binding on bankrupt.
165. Order to operate as a discharge from effects of process for contempt.
166. Contract or security with intent to induce creditor to forbear opposition, void. Proviso.
167. Obtaining money, goods, &c. as an inducement to forbear opposition, or to consent to allowance of discharge, penalty for.
168. Rehearing of order of discharge.
169. If order suspended on rehearing, subsequent creditors to prove first against subsequent property.
170. Order, when to be drawn up.
171. Appeal against decision, whether granting or refusing an order of discharge.
172. Form of order. Notice to be advertised.
173. No public sitting for audit.
174. Dividend.
175. Assignee not to keep money in his hands.
176. Provision to be made for creditors residing at a distance, and for pending claims.
177. Joint and separate dividend sittings.
178. Dividend list to be prepared by official assignee.
179. Like proceedings at successive periods of four months.
180. Effect of discharge.
181. Unclaimed dividends, &c. to be paid into the Bank.
182. Official assignee to act after discharge of creditors' assignee.
183. Bank of England to receive from assignee and give a receipt for any sum mentioned in a certificate of the accountant in bankruptcy.
184. Unclaimed dividends.
185. Power for creditors to resolve that estate ought to be wound up under deed of arrangement, &c., and proceedings stayed.
186. Resolution to be reported to the court. Power for court to confirm.
187. Power for court to make a declaration of complete execution of deed of arrangement, and to direct it to be registered, and to annul bankruptcy. Deed, if so registered, to be binding on creditors not executing.
188. Court to have jurisdiction to entertain applications of bankrupt, or any party to the deed, respecting bankrupt's estate and affairs. Questions under the deed to be decided according to law of bankruptcy.
189. Power of the court to summon and examine bankrupt, &c.
190. Where bankruptcy to proceed as if no resolution had been passed.
191. Where bankruptcy annulled.
192. What deeds to be valid, and upon what conditions.
193. Particulars of deed to be entered by the chief registrar. Copy of entry to be published in the Gazette.
194. Deed to be registered in the Court of Bankruptcy, and, in default, not to be received in evidence.
195. Stamp duties on deeds. No deed to be registered unless so stamped.
196. Memorandum of registration.
197. Jurisdiction of the court, and rights and liabilities of the parties, after registration of deed.

198. Protection to debtor after notice of filing, &c. of deed.
199. Stay of proceedings in bankruptcy after execution of deed, pending time allowed for its registration.
200. Provision in case debtor cannot obtain assent of requisite majority of creditors.
201. What notices to be sent by post. Proviso.
202. General orders as to advertisements.
203. Petitions and other proceedings in bankruptcy, and copies, purporting to be sealed with the seal of the court, admissible in evidence.
204. Judicial notice to be taken of signature of commissioner or registrar, and seal of court.
205. Forging signature of commissioner or officer, or seal of court, &c., felony.
206. Evidence as to insolvency.
207. Affidavits, declarations, &c., before whom to be sworn. Judicial notice of seal or signature thereto.
208. The Courts of Bankruptcy in England to be auxiliary for the purpose of taking affidavits, &c. to be used elsewhere.
209. As to fees on taking oaths, or making declarations in bankruptcy.
210. Affidavits by prisoners.
211. Bankrupts and bankrupts' wives to sign declaration in Schedule (E.); not to exempt from examination upon oath.
212. Solicitors of the Court of Bankruptcy may practise as such, and appear and plead without counsel.
213. Power to award costs. Remedies for recovering costs. Order for costs must be registered under the 23 & 24 Vict. c. 38.
214. Provisions of the 1 & 2 Vict. c. 110, to be applicable to orders of the Lord Chancellor and Court of Appeal.
215. Provisions of the 17 & 18 Vict. c. 34, as to attendance of witnesses out of jurisdiction, extended to Court of Bankruptcy.
216. Courts in Scotland to be auxiliary to the court in England in the examination of witnesses, &c. Proceedings for that purpose.
217. Courts in Ireland to be auxiliary in like manner.
218. Where debtor who has been adjudged bankrupt, &c. in India or the colonies resides or has property in England, &c., power to obtain adjudication in England, &c., and proceedings thereupon.
219. Orders in England to be enforced in Scotland and Ireland, and conversely.
220. Courts in England to be in like manner auxiliary to courts in Scotland, Ireland, and elsewhere.
221. Penalty on persons guilty of misdemeanours herein named.
222. Jurisdiction and powers of commissioners in proceeding in respect of bankrupt guilty of any of the offences hereinbefore named. Provisions of the 11 & 12 Vict. c. 42, extended to this act.
223. Court may appoint prosecutor. Costs of prosecution.
224. Power to court to direct reference to Attorney-General.
225. Indictment.
226. Power for court to commit persons wilfully disobeying any rule or order of court.
227. Money forfeited under this act, how to be sued for.
228. Sects. 114, 115, 116, and 117 of the 9 & 10 Vict. c. 95, to apply to officers acting in execution of warrants and orders of the courts.
229. Definition of terms, &c.: "annulling;" "assignee;" "Bank of England;" "bankrupt;" "commissioner;" &c.; "court;" "Court of Bankruptcy;" "creditor;" "creditors present at any meeting;" "gaoler;" "messenger;" "metropolitan district;" "oath;" "affidavit;" "petition for adjudication of bankruptcy;" "petitioning creditor;" "property;" "prisoner;" "proper county court;" "sheriff;" "suit;" "trader;" "United Kingdom;" "computation of time."
230. Acts and parts of acts in Schedule (G.) repealed.
231. Limit of act.
232. Commencement of act. Short title.

*As to the Court of Bankruptcy and the Commissioners thereof, their Powers and Jurisdiction.*

Sect. 1. The Court of Bankruptcy shall have and exercise, for the purposes of this act, all the powers and authorities of the superior courts of law and equity, and all the jurisdiction, powers, and authorities now possessed by the Court for the Relief of Insolvent Debtors in England.

2. The present commissioners of the Court of Bankruptcy shall continue to be commissioners of the court. Upon any vacancy in the office of commissioner of the Court of Bankruptcy in London, such vacancy shall not be filled up until the number of commissioners of the Court of Bankruptcy in London shall, by reason of such vacancy, be reduced to less than three, whereupon it shall be lawful for her Majesty, by commission under the Great Seal of the United Kingdom, to appoint a person, being a serjeant-at-law or barrister-at-law of not less than twelve years' standing at the bar in England, to fill such vacancy.

3. The judge of every county court (except of the metropolitan county courts) shall have and exercise within his respective district the like jurisdiction, powers, and authorities, and perform the same duties for and in respect of all matters and things coming before such county court by virtue of this act, as are vested in the commissioners of the district courts of bankruptcy.

4. If upon any vacancy in the office of commissioner of any country district court there shall no longer be a commissioner for such district, her Majesty shall have power, by order in council, to transfer all the jurisdiction, powers, and authorities held by the commissioner to the judges of the county courts, or any of them, exercising jurisdiction within such district or any part thereof; and the Lord Chancellor shall have power and authority, by order, from time to time to provide in all respects for the exercise of jurisdiction in bankruptcy by such county court judges or judge, and for the continuance of the exercise of their respective duties in the whole or any part of the district by the official assignees, registrar, and other officers attached to the court of the commissioner making such vacancy.

5. In case it shall on any occasion appear to her Majesty in council to be expedient to establish an additional country court or courts within any one or more of the country districts, and to invest the judge or judges thereof with the jurisdiction, powers, and authorities of a commissioner in bankruptcy within the district or districts that may be assigned to such court or courts, it shall be lawful for her Majesty, by order in council, so to do, and also to make a new arrangement of the districts of the bankruptcy and county courts respectively, so as to assign a convenient district or districts to such new court or courts, and to give from time to time all necessary directions for the establishment thereof, and such order shall be laid before Parliament, and shall not come into operation until three months afterwards.

6. The judge of any such new court shall be appointed by the Lord Chancellor, and shall be either a serjeant-at-law or a barrister-at-law, who shall be of seven years' standing at the bar in England, or who shall have practised as a barrister and special pleader for at least seven years; and every such judge, in addition to the jurisdiction of a county court judge, shall have and exercise within the district assigned to him all the jurisdiction, powers, and authorities of the commissioners of the country district courts of bankruptcy.

7. Every judge of a county court shall, before acting in bankruptcy, take at any quarter sessions the following oath:—

"I, A. B., do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and power, execute the office of county court judge acting in bankruptcy. "So help me God."

And such oath shall be recorded in the court of the judge taking the same.

*As to the Officers of the Court.*

8. The persons now discharging the duties of chief registrar, registrars, taxing master, and official assignees of the Court of Bankruptcy in London, and in the several District Courts of Bankruptcy, shall retain and hold office during good behaviour, subject to dismissal by the Lord Chancellor

9. If the Lord Chancellor shall at any time, by order, declare that, having regard to the state of the business of the Court of Bankruptcy and the duties of the registrars, he is of opinion that additional registrars ought to be appointed, either in London or in any county district, it shall be lawful for the Lord Chancellor to appoint such additional registrars.

10. The registrars of the several county courts exercising jurisdiction under this act shall discharge the duties of registrar and official assignee in all matters under this act within their several districts, in such manner, and shall give such security in respect of such office of official assignee, and shall receive such remuneration in respect of such services, as general orders shall direct; and all the enactments herein contained with respect to official assignees shall apply to the registrars of the county courts as to all matters under this act prosecuted therein.

11. The high bailiffs of the several county courts exercising jurisdiction under this act shall discharge the duties of messenger in all matters of bankruptcy within their several districts, in such manner, and shall give such security in respect of such duties, and shall receive such remuneration in respect of such services, as general orders shall direct.

12. Upon the first vacancy in the office of accountant in bankruptcy the office shall be abolished, and the duties thereof shall thereafter be discharged by the chief registrar, and the several funds standing in the books of the Bank of England to the credit of such accountant shall be transferred to such account or accounts, in the name of the chief registrar, and in such manner, as general orders shall direct.

13. All bills of costs, charges, fees, and disbursements of solicitors and attorneys in matters under this act before the Court of Appeal in Chancery sitting in bankruptcy and the court in London, and such taxable bills as may be specially referred to the master by any district court or any county court, shall be taxed by the master, subject to the review of the court in London.

14. In every country district court, and in every county court exercising jurisdiction under this act, all bills of costs, charges, fees, and disbursements aforesaid shall (unless where such court shall otherwise direct) be taxed and settled by the registrar of such court, subject to appeal to the court of which he is registrar. It shall be lawful for the commissioner of any district court, or judge of any county court, to refer any such bills, or any question thereon, to the taxing master in London.

15. All charges, fees, and disbursements of any auctioneer, appraiser, broker, valuer, or accountant, or any other person, not being an attorney or solicitor, in any matter under this act or any other act in force relating to bankrupts, shall be settled by the master, except such charges, fees, or disbursements as shall be incurred in any district court or county court, and in such cases shall be settled by the registrars of the court in which they arise, in such manner as general orders shall direct, and subject to the review of the court; and the amount of the bills so settled, and no more, shall be recoverable.

16. Upon any vacancy in the office of official assignee of the court in London, the same shall not be filled up unless the number of official assignees in the London district shall by reason of such vacancy be reduced to less than five. Any vacancy in the office of official assignee in a country district shall not be filled up if there be another official assignee within such district.

17. The persons now discharging the duty of messenger in the Court of Bankruptcy in London, and in the several District Courts of Bankruptcy in the country, shall continue to act as such messengers, in such manner, and subject to such regulations, and shall give such security, as general orders shall direct, and shall be subject to dismissal by the Lord Chancellor by order, for some sufficient reason to be set forth in such order. Upon any vacancy in the said office, such office shall not be filled up until the number of messengers in the court in London shall have been reduced to two, and in any District Court of Bankruptcy in the country to one. Any vacancy thereafter occurring may, if necessary, be filled up by the Lord Chancellor by the appointment of some fit person.

*As to filling up Vacancies.*

18. Upon any future vacancy in the office of commissioner or registrar (other than of chief registrar), or in any other office in the Court of Bankruptcy, the Lord Chancellor may, if, having regard to the then state of the business of the court, he shall so think fit, by order declare that such vacancy shall not be filled up until further order; and thereupon the same shall not be filled up unless and until the Lord Chancellor shall by order declare, that, having regard to the then state of the business of the court, he is of opinion that such vacancy ought to be then filled up; and thereupon the same may be filled up as if such first-mentioned order had not been made.

*As to the Court for the Relief of Insolvent Debtors in England.*

19. The jurisdiction, authorities, and functions of the chief commissioner and commissioner of the Court for the Relief of Insolvent Debtors in England shall cease and be discontinued, and the said chief commissioner and commissioner shall be released from their duties as such, subject nevertheless to the obligation of performing such duties and services as are hereinafter provided.

20. The jurisdiction of the county courts in the relief of insolvent debtors shall cease; provided that all matters of insolvency pending at the commencement of this act in any of the said courts shall proceed and be completed therein as if this act had not been passed.

21. The person now exercising the office of provisional assignee of the Court for the Relief of Insolvent Debtors in England shall be an official assignee of the Court of Bankruptcy, and shall act as such official assignee in the court in London, and shall hold office during good behaviour, subject to dismissal by the Lord Chancellor by order, for some sufficient reason to be set forth in such order; and he shall perform the same duties, and receive the same salary, remuneration, and allowances, as the other official assignees.

22. The persons now discharging the duties of chief clerk, clerks, and taxing officer of the Court for the Relief of Insolvent Debtors in England shall be transferred to, and shall act in such manner as general orders shall direct in, the London court. They shall hold office during good behaviour, subject to dismissal by the Lord Chancellor by order, for some sufficient reason to be set forth in such order. No vacancy in such offices shall be filled up. Provided that nothing herein contained shall be deemed to deprive any person now holding office in the Insolvent Debtors Court of any benefit to which he may now be, or may hereafter become, entitled by virtue of the acts passed in the 4 & 5 Will. 4, c. 24, and the 5 & 6 Will. 4, c. 42, relative to superannuation allowances; and service by any such persons in the Court of Bankruptcy shall, for the purpose of the said acts, be deemed to be equivalent to service in the Insolvent Debtors Court.

23. The chief clerk of the Court for the Relief of Insolvent Debtors in England shall, on such day before the time appointed for the commencement of this act as the Lord Chancellor shall direct, make a return to the Lord Chancellor of all business then pending or remaining incomplete in such court; and the Lord Chancellor may, if he shall think fit, direct such unfinished matters to be proceeded with and completed before and by the commissioners of such court, who, for such purposes, shall retain and exercise all the jurisdiction, powers, and authorities now possessed by them respectively.

24. For the purpose of winding up as expeditiously and conveniently as may be all petitions, matters, and things which shall have been presented to, or be depending in, the said Court for the Relief of Insolvent Debtors, or any of the county courts, by virtue of any act for the relief of insolvent debtors, it shall be lawful for the commissioners or judges of such courts respectively, at any time after the passing of this act, to summon, as they shall deem fit, all or any of the parties to such petitions, matters, or things, or their solicitors, and thereupon to give such directions and make such orders as may be necessary for the purpose of settling and winding up the same, and to proceed, for the purposes aforesaid, in the absence of the parties or solicitors neglecting or refusing to attend such summons.

25. Every recognisance which may at the time of the passing of this act have been entered into by any person as

surety to the provisional assignee of the Court for the Relief of Insolvent Debtors, with condition that the insolvent therein mentioned shall duly appear at the time and place therein mentioned, shall extend to bind the person who may have entered into the same, in case the insolvent debtor therein mentioned shall not at the time appointed in such recognisance duly appear before the court by which the petition or matter of such insolvent is heard in pursuance of this act, and on every adjourned hearing, or shall not abide by the final judgment of such court.

26. All monies and Government securities which shall at the commencement of this act stand in the Bank of England to the credit of the account of the commissioners of the Court for the Relief of Insolvent Debtors in England shall be carried by the Bank of England, in such manner as general orders shall direct, to the account of the accountant in bankruptcy; and, subject to the orders of the court for the payment thereof of any dividend, or for the distribution of any part thereof, in the matter to which the same originally belonged, shall be applicable in like manner as at present, or in such manner as the Lord Chancellor shall by order direct, towards defraying the salaries of the clerks and other persons hereby transferred from the Insolvent Debtors Court to the Court of Bankruptcy, and towards defraying the expenses of and incidental to the discharge of pauper prisoners hereinafter provided, and also for indemnifying the provisional assignee of the Insolvent Debtors Court against all costs and expenses incurred or to be incurred by him in any suit, action, or other proceeding.

27. The records and proceedings of every kind in the Insolvent Debtors Court shall be records and proceedings of the Court of Bankruptcy, and shall be kept in such manner as they now are, subject to alteration by any general orders.

*As to Salaries.*

28. The chief commissioner of the Court for the Relief of Insolvent Debtors shall continue entitled, subject as herein provided, to receive during his life the full amount of his salary as such chief commissioner, payable out of the same fund, on the same days, and in the same manner in all respects as if this present act had not passed.

29. There shall be paid to the registrars and other officers of the court the several salaries set opposite to their respective titles in Schedule (A.) to this act annexed, and such salaries shall be payable out of the chief registrar's account, and shall be paid quarterly, free and clear from all taxes and deductions whatsoever, except the tax on income, on the 11th January, the 11th April, the 11th July, and the 11th October in every year, by equal portions; and when any person for the time being holding any of the said offices shall die, resign, or be removed from the same, the executor or administrator of the person so dying, or the person so resigning or being removed, shall be entitled to receive such proportionate part of his salary as shall have accrued during the time that such person shall have executed his office since the last payment.

30. The chief clerk, clerks, taxing officer, and other officers of the Court for the Relief of Insolvent Debtors in England shall, upon being, in manner herein provided, transferred to the Court of Bankruptcy, severally continue to receive the full amount of the salary, remuneration, allowances, and compensations which they now respectively receive, as nearly as may be out of the same funds, and payable in the same manner in all respects, as if this act had not been passed; and for such purpose the annual sums now payable out of monies voted by Parliament for the use and purposes of the Court for the Relief of Insolvent Debtors and the officers thereof shall be paid in future into the Bank of England to the credit of the chief registrar's account in bankruptcy.

31. The fees to be taken by official assignees in respect of the duties performed by them shall be defined by general orders. Each official assignee shall make a return half-yearly to the chief registrar, in such manner as general orders shall direct, of the amount of fees received by him during the six months preceding the date of such return. Each of the present official assignees in the London district shall receive an annual salary of 1200*l*. Each of the present official assignees in the country districts shall receive an annual salary of 1000*l*. Every future official assignee in the London district shall receive an annual salary of 1000*l*; and every future official assignee in the country districts shall



sonable office expenses shall respectively be allowed by the court. The official assignees shall not be entitled to any further remuneration in respect of any duties performed by them.

32. The messengers shall receive such remuneration by way of fees as general orders shall direct and allow: provided that the total net annual remuneration to be received by any messenger in the London district shall amount to, but not exceed, the sum of 500*l.*, and of any messenger in the country districts the sum of 400*l.* Any surplus of such fees upon the aggregate of the receipts of each year, after deducting the aforesaid salaries, and reasonable payments by the messengers for assistance, to be allowed by the court, shall be paid over by the several messengers, in such manner and at such times as general orders shall direct, to the credit of the chief registrar's account.

*As to retiring Annuities, Compensations, and incidental Expenses.*

33. The Lord Chancellor may, on a petition presented to him for that purpose, order that an annuity be paid to any commissioner or registrar, or to the accountant in bankruptcy, or taxing master, or other officer of the Court of Bankruptcy, not exceeding two-thirds of his salary, to be paid out of the chief registrar's account, when such person shall have served in such office for the full period of twenty years, and shall be above sixty-five years of age, or shall have been appointed to such office in or previous to the year 1832, and shall be desirous of retiring, or if such person shall, before the period of twenty years' service is completed, be afflicted with any permanent infirmity disabling him from the due execution of his office. The time during which such person shall have held office in the Court for the Relief of Insolvent Debtors shall be reckoned as part of such service of twenty years.

34. If any person to whom an annuity shall be granted under this act shall be appointed to and accept any public office of an annual value less than the amount of such annuity, such person, during the time he may continue in such office, shall be entitled to receive only so much of his annuity as shall, together with the salary of such new office, be equal to such annuity. If the salary attached to such public office shall equal or exceed in amount such annuity, then during the time of his continuance in such office such annuity shall altogether cease.

35. The compensations now payable to the following holders of abolished offices,

Patentee of bankrupts,

The former commissioners of bankrupt,

The clerk of the banaper and other officers of the Lord Chancellor and the Court of Chancery,

and the retiring annuities now respectively payable out of the funds standing to the credit of the chief registrar's account, shall continue to be paid out of the same funds; but the annual amount of the said compensations and retiring annuities shall be paid into the Bank of England to the credit of the chief registrar's account, by the Commissioners of the Treasury, out of the monies to be from year to year voted for that purpose by Parliament.

36. The funds standing to the account intituled "The Chief Registrar's Account" shall be subject to all such orders as have been heretofore duly made, or as shall from time to time be made, by the Lord Chancellor for payments thereout in respect of the salaries of clerks and other persons employed in the various offices of the several courts of bankruptcy, and for stationery, ink, and candles for the use of the same, and for rent and repairs of the buildings, and in respect of all expenses incidental to carrying this act into effect; and all accounts for such expenses shall be audited and allowed by the commissioners of the court in which they have been incurred before any order for payment shall be made.

*As to Fees and Stamps.*

37. The court fees heretofore payable in respect of public and private sittings in bankruptcy is abolished.

38. The percentage heretofore payable by the 54th section of the Bankrupt-law Consolidation Act, 1849, to the

of any matters of proceedings under this act may be varied or abolished by general orders; and the provisions of this act respecting stamps are hereby extended and applied to such stamps as may be required by general orders.

40. The fees by this act made payable, or any of them, may from time to time be varied or abolished by general orders; and other fees, but not of an amount higher than that by this act prescribed, may be fixed and imposed by such orders; and the provisions of this act respecting stamps are hereby extended and applied to such stamps as may be required by general orders.

41. Every document enumerated in the Schedule (B.) to this act annexed shall, in lieu of all fees thereupon, be printed or written upon vellum, parchment, or paper bearing the stamp duty set opposite to such documents respectively in such schedule, and having the word "bankruptcy" impressed on every such stamp: provided that the Commissioners of Inland Revenue, besides such impressed documents denoting fees, shall provide like stamps on adhesive paper; and all stamp duties and fees directed to be paid under this act may be paid by means of such stamps on adhesive paper affixed to documents requiring a stamp duty. Where any such document shall consist of more than one sheet, only the first sheet thereof shall have such stamp impressed or affixed thereon.

42. No document which by this act or by any general order is or shall be required to have a stamp impressed thereon shall be received or filed or be used in relation to any proceeding in the courts, or be of any validity for any purpose whatever, unless or until the same shall have the proper stamp impressed or affixed thereon: provided always, that if at any time it shall appear that any document which ought to have had such stamp has, through mistake or inadvertence, been received or filed or used without having such stamp, the courts may order that such stamp shall be impressed or affixed thereon; and when a stamp shall have been so impressed or affixed on such document, such document, and every proceeding in reference thereto, shall be as valid and effectual as if such stamp had been impressed or affixed thereon in the first instance: provided also, that nothing herein contained shall affect the provisions obtained in the 27th section of the 17 & 18 Vict. c. 83, or the provisions of the Common-law Procedure Act, 1854, and that every stamp on adhesive paper affixed to a document shall be deemed a stamp impressed thereon.

43. If any judge, commissioner, registrar, accountant, master, official assignee, clerk, or any other officer of the courts of bankruptcy, or of any county court acting in matters under this act, shall, for anything done or pretended to be done under this act, or under colour of doing anything thereunder, fraudulently and wilfully demand or take, or appoint or allow any person whatsoever to take, for him or on his account, or for or on account of any person by him named, or in trust for him or for any other person by him named, any fee, emolument, gratuity, sum of money, or anything of value whatsoever, other than is allowed by this act, such person, when convicted thereof, shall forfeit and pay the sum of 500*l.*, and be rendered incapable, and is hereby rendered incapable, of holding any office or place under her Majesty.

44. If any such judge, commissioner, officer, or person shall fraudulently do, commit, or connive at any fraudulent act or practice in relation to any stamp used or required to be used in any matter under this act, or to any fee or sum of money collected or which ought to be collected by means of any such stamp or otherwise, or shall be guilty of any fraudulent act, neglect, or omission whereby any fee which ought to be collected by means of such stamp or otherwise shall be lost, or the payment thereof evaded, such judge, commissioner, officer, or person so offending shall be liable to be dismissed from his office or employment.

*As to General Orders.*

45. The Lord Chancellor shall, with the assistance of two commissioners, and subject to the provisions of this act, frame general orders for the following purposes:—

For regulating the practice and procedure of the Courts of

Bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in the said courts, in all matters under this act:

For regulating the duties of the various officers of such courts:

For regulating the fees payable and the charges and costs to be allowed with respect to all proceedings before such courts, and before the county courts acting in bankruptcy:

For regulating the practice and procedure upon appeals:

For regulating the filing, custody, and inspection of records:

And, generally, for carrying the provisions of this act into effect.

48. For regulating the practice and procedure of the county courts, and the place and times of sitting thereof, in matters under this act, general orders shall be framed in conformity with the provisions of this act, and subject to the sanction of the Lord Chancellor, by such judges of the said courts as the Lord Chancellor shall from time to time nominate for that purpose.

47. After such general orders shall have been so framed, they or any of them may be rescinded or varied, and other general orders may be framed in manner aforesaid; and all general orders so framed from time to time shall be laid before both Houses of Parliament within one month after the approval thereof by the Lord Chancellor, if Parliament be then sitting, or if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

#### *As to the Sittings of the Court.*

48. The London and District Courts of Bankruptcy shall sit for the dispatch of business daily throughout the year, Sunday, Christmas-day, Good Friday, Monday and Tuesday in Easter week, and days appointed for public fast or thanksgiving excepted.

49. During the time appointed by order for vacations in the High Court of Chancery the Lord Chancellor shall have full power and authority to regulate the sittings of the court, and appoint the attendance of such commissioner or commissioners as shall appear necessary for the due administration of justice in the said court.

#### *As to the Practice and Procedure of the Court.*

50. The several courts exercising jurisdiction under this act may, in all matters within their respective jurisdictions, take the whole or any part of the evidence either *viva voce* on oath, or by interrogatories in writing, or upon affidavit, or by commission abroad.

51. The commissioners may sit at chambers for the dispatch of such part of the business of their courts as can, without detriment to the public advantage arising from the discussion of questions in open court, be heard in chambers; and when sitting at chambers they shall have in all respects like power and jurisdiction as when sitting in court.

52. The registrars of the Court of Bankruptcy shall have power to make adjudication of bankruptcy, to receive the surrender of any bankrupt, to grant protection, to pass the last examination of any bankrupt in cases wherein the assignees and creditors do not oppose, to hold and preside at meetings of creditors, to audit and pass accounts of assignees, and to sit in chambers, and dispatch there such part of the administrative business of the court and such uncontested matters as shall be defined in general orders, or as the commissioner in any particular matter shall direct; but nothing herein contained shall empower a registrar to commit, or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge. The registrar may adjourn any matter coming before him, for the consideration of the commissioner. The Lord Chancellor may, by order, from time to time authorise the registrar of any county court to exercise any of the powers hereby given to the registrars of the Court of Bankruptcy.

53. Any party shall, during the proceedings before a registrar, be at liberty to take the opinion of the commissioner upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the registrar in the shape of a short certificate to the commissioner, who shall sign the same if he approve thereof, and such certificate so signed shall be binding on all the parties to the proceeding; but every such certificate may

be discharged or varied by the commissioner at chambers or in open court.

54. Parties and witnesses summoned before a registrar shall be bound to attend in pursuance of such summons, and shall be liable to process of contempt, in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpoena; and all persons wilfully and corruptly swearing or affirming falsely before a registrar shall be liable to all the penalties, punishments, and consequences of perjury.

55. If any person examined before a registrar shall refuse or decline to answer, or to swear to or sign his examination when taken, the registrar shall refer the matter to the commissioner, who shall have power to order the person so acting to pay the costs thereby occasioned, if such person be compellable by law to answer such question or to sign such examination.

56. In any bankruptcy or any other proceeding within the jurisdiction of the court the parties concerned or submitting to such jurisdiction may, at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the court, and the judgment of the court shall be final, unless it be agreed and stated in such special case that either party may appeal.

57. The parties may, if they think fit, agree that, upon the question or questions raised by such special case being finally decided, a sum of money, fixed by the parties or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

58. The courts of bankruptcy may direct a registrar to attend at any place within the district of the court to which he is attached, for the purpose of holding any meeting of creditors, of receiving proof of debts, and generally for the prosecution of any bankruptcy or other proceeding under this act; and the travelling and incidental expenses of such registrar, and of any clerk or other officer attending him, incurred in so acting, shall be settled by such court, and paid out of the assets of the estate in respect of which such registrar has so acted; or if there be no such assets, or if the assets be insufficient, then out of the chief registrar's account; and such registrar so acting shall have and exercise all powers, except the power of commitment, vested in such court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents: provided always, that all depositions and examinations of persons and witnesses taken before such registrar, and all acts done by him, shall be reduced to writing, and be signed by such registrar, and shall be annexed to and form part of the proceedings.

59. It shall be lawful for the judges of the Court of Appeal in Chancery to direct any question of fact to be tried and determined before themselves by the verdict of a special or common jury. The judges of the said Court of Appeal in Chancery may make all such rules and orders upon the sheriff or any other person, for procuring the attendance of a special or common jury for the trial of such question, as may now be made by any of the superior courts of common law at Westminster, and also may make any other orders which may be requisite for the purpose of such trial; and every such jury shall consist of persons possessing the like qualifications, and shall be struck, summoned, and balloted for, and called in like manner, as if such jury were a jury for the trial of any cause in any of the said superior courts; and every jurymen so summoned shall be entitled to the same rights, and be subject to the same duties and liabilities, as if he had been duly summoned for the trial of a civil action in any of the said superior courts; and every party to any such proceeding shall be entitled to the same rights, as to challenge and otherwise, as if he were a party to a cause in any of the said superior courts; and at the trial the jury shall be sworn to try the said question of fact, and a true verdict to give thereon, according to the evidence; and upon every such trial such court shall have the same powers, jurisdiction, and authority as any judge of the superior courts of common law sitting *in nisi prius*.

60. It shall be lawful for the judges of the Court of Appeal in Chancery respectively to direct one or more issue or issues to be tried in any court of common law, and either before a

61. In order to facilitate the business of the courts of bankruptcy in taking examinations, or the evidence of parties examined *viva voce*, the court may, in any matter of bankruptcy, or other proceeding within the jurisdiction of courts, direct the employment of a short-hand writer; and general orders shall direct under what regulations such short-hand writer shall be employed, and the amount of the remuneration to be allowed him, and the parties by whom such remuneration shall be paid.

62. Every short-hand writer so employed by the court shall in every case make in court the following declaration:—

"I, A. B., do solemnly and sincerely declare that I will faithfully and truly take down the questions and answers put to and given by persons to be examined in this matter, and will deliver true and faithful transcripts thereof, as the court shall direct."

63. Every warrant issued by any court under this act shall be under the seal of the court and the hand of the commissioner; and every summons shall be under the hand of the registrar, and under the seal of the court.

64. The courts shall cause to be sealed with the seal of the courts all such records, proceedings, documents, and copies of the same as are by this act, or shall be by general orders, required to be so sealed, and such other records, proceedings, documents, and copies of the same as the courts shall at any time direct.

65. No rule, order, warrant, or other proceeding or document required by this act to be in a form given in the schedules to this act, or to be given by any general order, shall be invalidated by reason of any want of form or omission therein, if such want of form or omission shall not, in the opinion of the court before which the same shall be brought, be calculated to mislead or prejudicially affect any party.

66. Every decision or order of the judge of any county court acting in bankruptcy under this act shall be subject to appeal to the Court of Appeal in Chancery, in like manner and under the same rules and regulations as are now directed with respect to appeals from the London and District Courts of Bankruptcy to the said Court of Appeal, or as may hereafter be directed by general orders.

67. The registrars, accountant in bankruptcy, master, official assignees, and messengers of the court in London and of the district courts of bankruptcy, and the registrars of the county courts acting in bankruptcy, shall make to the chief registrar, in such manner and form as general orders shall direct, annual returns of the business of their respective offices, and from such returns the chief registrar shall frame a general return, judicial and financial, as to all matters within this act, and such general return shall be laid before Parliament by the Lord Chancellor as early as may be after the completion thereof; and the returns to the chief registrar shall be kept by him of record, and shall be open to the inspection of persons desirous of inspecting the same, on payment of the fee for inspection of proceedings set forth in Schedule (B.) to this act.

#### *As to the Buildings occupied for the Purposes of the Courts.*

68. The building in Basinghall-street, in the city of London, called the Court of Bankruptcy, and the building in Portugal-street, Lincoln's-inn-fields, called the Court for the Relief of Insolvent Debtors in England, together with the pieces or parcels of ground on which the same are severally erected, shall vest in the Commissioners of her Majesty's Works and Public Buildings, and shall be appropriated to such purposes as the Lord Chancellor shall direct.

#### *As to the Persons subject to this Act.*

69. All debtors, whether traders or not, shall be subject to the provisions of this act; but no debtor who is not a trader shall be adjudged bankrupt except in respect of some one of the acts of bankruptcy hereinafter described as applicable to a non-trader.

#### *As to Acts of Bankruptcy.*

70. If any person, not being a trader, shall, with intent to defeat or delay his creditors, depart this realm, or, being out

thereby committed an act of bankruptcy: provided always, that before any adjudication in bankruptcy shall be made against the debtor under this section the following rules shall be observed:—

(1). A copy of the petition for adjudication shall be served personally on the debtor, either within the jurisdiction, or in such place or country, or within such limits abroad, as the court shall, upon application for that purpose, direct:

(2). Such copy petition shall have indorsed thereon a memorandum, in a form to be settled by a general order, specifying the time within which the debtor is to appear on such petition; and such time shall, when the service is to be made abroad, be the time which the court shall think reasonable, having regard to the place or country where the service is to be made:

(3). In no case shall the time for appearance be less than thirty days after service:

(4). If such personal service has not been effected, the court must be satisfied that every reasonable effort was made to effect the same, and that the attempts to serve such petition came to the knowledge of the debtor, and were defeated by his conduct:

(5). If, at the expiration of the time limited for appearance, the court shall, on the hearing of such petition, be satisfied that an act of bankruptcy has been committed within the meaning of this section, it may adjudge such debtor to be a bankrupt:

Provided always, that no non-trader, who shall be abroad at the time of the passing of this act, shall be deemed to remain abroad with intent to defeat or delay his creditors, until the expiration of six months after the passing of this act.

71. If any debtor, whether a trader or not, having been arrested or committed to prison for debt, or on any attachment for non-payment of money, shall, upon such or any other arrest or commitment for debt or non-payment of money, or upon any detention for debt, lie in prison, being a trader, for fourteen days, or, not being a trader, for two calendar months, or, having been arrested for any cause, shall lie in prison as aforesaid after any detainer for debt lodged against him, and not discharged, every such debtor shall thereby be deemed to have committed an act of bankruptcy; or if any such debtor, having been arrested, committed, or detained for debt, shall escape out of prison or custody, every such debtor shall be deemed to have thereby committed an act of bankruptcy from the time of such arrest, commitment, or detention: but no debtor shall be adjudged bankrupt on the ground of having lain in prison as aforesaid, unless, having been summoned, he shall not offer such security for the debt or debts in respect of which he is imprisoned or detained as the commissioner or registrar whose duty it would otherwise be to adjudicate shall deem reasonably sufficient.

72. If any debtor, whether a trader or not, shall file in the office of the chief registrar, or with the registrar of a district court of bankruptcy, or of a county court having jurisdiction in bankruptcy, a declaration in writing, in such form as general orders shall direct, signed by such debtor, and attested by a registrar of the court, or by an attorney or solicitor, that he is unable to meet his engagements, every such debtor shall be deemed thereby to have committed an act of bankruptcy at the time of filing such declaration, provided a petition for adjudication of bankruptcy shall be filed by or against him within two months from the filing of such declaration.

73. If any execution shall be levied by seizure and sale of any of the goods and chattels of any trader debtor, upon any judgment recovered in any action personal for the recovery of any debt or money demand exceeding 50*l.*, every such debtor shall be deemed to have committed an act of bankruptcy from the date of the seizure of such goods and chattels: provided always, that, unless in the meantime a petition for adjudication of bankruptcy against the debtor be presented, the sheriff or other officer making the levy shall proceed with the execution, and shall, at the end of seven days after the sale, pay over the proceeds, or so much as

ought to be paid, to the execution creditor, who shall be entitled thereto notwithstanding such act of bankruptcy, unless the debtor be adjudged a bankrupt within fourteen days from the day of the sale, in which case the money so received by the creditor shall be paid by him to the assignee under the bankruptcy, but the sheriff or other officer shall not incur any liability by reason of anything done by him as aforesaid: provided also, that in case of bankruptcy, the costs and expenses of such action and execution shall be retained and paid out of the proceeds of the sale, and the balance only, after such payment, be paid to the assignees.

74. Wherever the goods and chattels of a debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money demand, or damages against any debtor, exceeding 50*l.*, such goods and chattels shall in all cases, unless the court shall otherwise direct, be sold by the sheriff by public auction, and not by bill of sale or private contract, and such sale shall be publicly advertised by the sheriff on and during three days next preceding the day of sale.

75. The filing of a petition by or against a debtor, whether a trader or not, in any court having jurisdiction for the relief of insolvent debtors in insolvency or bankruptcy in any of her Majesty's dominions, colonies, or dependencies, and the adjudication of an act of insolvency or bankruptcy on such petition, shall, for the purposes of this act, be accounted and adjudged conclusive evidence of an act of bankruptcy committed by such debtor at the time of filing such petition, or of the filing the petition on which the adjudication of an act of insolvency or of bankruptcy shall have been made; and any creditor or creditors of such debtor whose debt or debts shall be of sufficient amount to enable him or them to petition for adjudication of bankruptcy under this act may, at any time within two months after notice of such adjudication shall have been given in the London Gazette, petition for adjudication of bankruptcy under this act against such debtor, and under such petition all such proceedings may be had and taken as are authorised and directed by this act.

*As to an Act of Bankruptcy by Non-payment after Judgment Debtor Summons, and the Proceedings thereupon.*

76. Every judgment creditor who is or shall be entitled to sue out against a debtor a writ of *capias ad satisfaciendum*, or to charge the debtor in execution, in respect of any debt amounting to 50*l.*, exclusive of costs, shall be entitled, at the end of one week from the signing of judgment, to sue out against the debtor, if a trader, or not being a trader, at the end of one calendar month, and whether he be in custody or not, a summons, to be called a judgment debtor summons, requiring him to appear and be examined respecting his ability to satisfy the debt.

77. Where, after the commencement of this act, a decree or order of a court of equity, or an order in bankruptcy or insolvency, or lunacy, directing the payment of money, is disobeyed by the debtor, the same having been duly served on him, and the person entitled to receive the money, or interested in enforcing payment of it, has obtained a peremptory order of the competent jurisdiction, fixing a day for payment, and the debtor does not, being a trader, within seven days, or, not being a trader, within two calendar months, after service on him of the peremptory order, or, such order having been duly served, within seven days after the day fixed by the peremptory order for payment (which shall last happen), pay the money, or secure or tender or compound for it, to the satisfaction of the creditor, the creditor shall be entitled at the end of those seven days to sue out against the debtor a judgment debtor summons.

78. The judgment debtor summons shall, unless the court shall in any case otherwise direct, issue according to the following rules:—

Where the debtor is in England, then out of the Court of Bankruptcy for the district in which the debtor usually lives, or at the time of the issuing of the summons happens to be:

Where the debtor is not in England, then out of the Court of Bankruptcy for the district in which is the debtor's usual or last known place of abode in England.

79. Where the debtor is in England, the summons shall be served personally, unless the court issuing the same shall in any case direct that service in some other manner shall be good service: where the debtor is not in England, the

court, upon such evidence as shall satisfy it that the service will be effectual to give notice to the debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the debtor.

80. Where the debtor is in custody a duplicate of the summons shall be delivered to the sheriff or other person in whose custody he is, who shall bring him up according to the summons, at the costs of the summoning creditor.

81. If service of the summons be not effected, and the court is satisfied that the debtor is keeping out of the way to avoid service, it may order that one or more notices be inserted in the London Gazette, and in one or more newspapers published in the district in which is the debtor's usual or last known place of abode, requiring him to appear on a day named, being not less than fourteen days after the publication of the first notice.

82. Upon the appearance of the debtor he may be examined on oath, by or on behalf of the creditor and by the court, respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce, on oath or otherwise, such books, papers, and documents in his possession or power relating to property applicable, or alleged to be applicable, to the satisfaction of the debt, as the court shall think fit, and to sign his examination when reduced into writing; and any debtor refusing to be sworn, or who shall upon examination refuse or wilfully fail to discover fully and truly, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and to produce all books, papers, and documents in his possession or power relating thereto, shall be liable to be committed by the court as in the case of a bankrupt.

83. If, after service of such summons, or due notice thereof, as aforesaid, the debtor shall not pay the debt and costs, or secure or compound or the same to the satisfaction of the creditor, the court may, on the appearance of the debtor, or if he shall not appear, having no lawful impediment allowed by the court, adjudge him bankrupt, without the presentation of a petition for adjudication or other proceeding; and where the debtor has not appeared, notice of such adjudication shall be served upon him in like manner as herein provided with respect to service of the summons.

84. The debtor shall be allowed seven days from such notice, or such further time as the court shall think fit, for appearing to shew cause against the adjudication; and if he appear within the time allowed, and shew sufficient cause, the adjudication may be annulled; otherwise, at the end of the time allowed, or on the judgment of the court against the sufficiency of the cause shewn, the adjudication shall become absolute, and notice thereof shall be forthwith given in the London Gazette; and the adjudication shall have relation back to the service of the summons, or the insertion of the first notice in the London Gazette, as the case may be; and the stamp duty payable upon the presentation of a petition for adjudication of bankruptcy shall be paid in respect of adjudication under this section, or under the last preceding section, by the official assignee, or creditors' assignee, as the case may be, out of the first monies that shall be received under the estate of the bankrupt.

85. The provisions contained in sect. 260 of the Bankrupt-law Consolidation Act, 1849, relating to the committal of a person refusing to be sworn, or doing or omitting the other acts or things therein mentioned, shall apply to a debtor appearing on a judgment debtor summons.

*As to Petitions for Adjudication of Bankruptcy, and the Proceedings thereupon.*

86. Any debtor may petition for adjudication of bankruptcy against himself, and the filing of such petition shall be an act of bankruptcy, without any previous declaration of insolvency by such debtor.

87. Proceedings to obtain adjudication of bankruptcy shall be by petition, on the oath of the petitioner. Every such petition shall be filed of record, and prosecuted as directed by this act; and from and after the filing of such petition, in the case of a debtor petitioning against himself, and from and after adjudication, in the case of a petition filed against a debtor who shall be adjudged bankrupt, the bankrupt personally, and all his estate and effects, of what nature or kind soever, shall be subject to the law of bankruptcy.

88. Every petition for adjudication of bankruptcy, except as hereinafter provided, shall be filed and prosecuted in the Court of Bankruptcy within the district of which such debtor shall have resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months; but the court in London may order any such petition to be prosecuted in any district, with or without reference to the district in which the debtor shall have so resided or carried on business, or may consolidate the proceedings or any part thereof under two or more petitions for adjudication of bankruptcy, or may impound any petition for adjudication of bankruptcy, or judgment debtor summons, and the proceedings thereunder, or any part thereof, upon such terms as the court shall think fit, or may transfer any petition for adjudication of bankruptcy, or judgment debtor summons, and the proceedings thereunder, and the prosecution or further prosecution thereof, from the court in any one district to the court in any other district, or to a county court having jurisdiction in bankruptcy; and the court to which any such transfer shall be made may remove the official assignee, and appoint a new official assignee to any such bankruptcy.

89. The amount of the debt of any creditor petitioning for adjudication of bankruptcy against a debtor, whether a trader or not, shall be as follows; that is to say—

The debt of a single creditor, or of two or more persons being partners, shall amount to 50*l*. or upwards:

The debt of two creditors shall amount to 70*l*. or upwards:

The debt of three or more creditors shall amount to 100*l*. or upwards:

Every person who has given credit to any debtor upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such debtor committed an act of bankruptcy, may so petition or join in petitioning, whether he shall have any security for such sum or not.

90. The debt of the petitioning creditor of any debtor not being a trader, and not being at the time a prisoner against whom such creditor would have been entitled to obtain a vesting order in insolvency if this act had not passed, must be a debt contracted after the passing of this act; and the judgment debtor summons must be a summons in respect of a debt contracted or of a liability incurred after the passing of this act.

91. If the debt stated by the petitioning creditor in his affidavit, or in his petition for adjudication, to be due to him from any debtor, shall not be really due, or if, after a petition for adjudication of bankruptcy filed, it shall not have been proved that the person against whom such petition has been filed was liable to an adjudication of bankruptcy at the time of the filing of such petition, and it shall also appear that such petition was filed fraudulently or maliciously, the courts shall and may, upon petition of any person aggrieved by such petition, examine into the same, and order satisfaction to be made to him for the damages by him sustained.

92. A petition for adjudication of bankruptcy, or judgment debtor summons, against any debtor indebted in the amount aforesaid to any co-partnership duly authorised to sue and be sued in the name of a public officer or agent of such co-partnership, may be filed or sued out by such public officer or agent as the nominal petitioner for and on behalf of such co-partnership: provided such public officer or agent shall, in a declaration signed by him, in such form as general orders shall direct, declare that he is such public officer or agent, and that he is authorised to sue.

93. Every debtor petitioning against himself shall file in court a full, true, and accurate statement, verified by the oath of the petitioner, of his debts and liabilities of every kind, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements, within such time after filing his petition, and in such form, as general orders shall direct.

94. Where a debtor petitions for adjudication against himself, and knows or verily believes the debts justly due and proveable under the bankruptcy to amount in the whole to a sum not exceeding 300*l*., such fact shall be stated on oath, and if he be resident within the metropolitan district, as herein defined, he shall file his petition in the London Court of Bankruptcy; and where such debts shall not exceed 300*l*., and the debtor shall not be resident in the metropolitan district, he shall file his petition in the county court

for the district in which he shall have resided for the six months next before the filing of his petition, or for the longest period during those six months, unless he is in custody, and then in the county court for the district in which he is in custody; but such court, if it make adjudication, shall transfer the proceedings to the county court in which the debtor, if not in custody, would have been required to petition.

95. Every debtor who shall present a petition for adjudication whilst a prisoner in any prison or gaol shall by writing give notice to the keeper of such gaol or prison of his intention so to do, and shall in his petition state that such notice has been given.

96. If the petitioning creditor shall not proceed and obtain adjudication within three days after his petition shall have been filed, or within such extended time as shall be allowed by the court, the court may, at any time on the expiration of such three days, or of such extended time, as the case may be, upon the petition of any other creditor to the amount required to constitute a petitioning creditor, proceed to adjudicate on such last-mentioned petition. If a debtor petitioning against himself does not obtain adjudication within twenty-four hours after filing such petition, the court may proceed to adjudge the debtor a bankrupt on the petition of any competent creditor.

97. In the computation of debts for the purposes of any petition under this act there shall be reckoned as debts—

(1). Sums due to creditors holding mortgages or other available securities or liens, after deducting the value of the property comprised in such mortgages, securities, or liens:

(2). Such interest and costs as shall be due in respect of any of the debts:

But there shall not be reckoned—

(1). The amount of the debts in respect of which the petitioner has already taken the benefit of insolvency, protection, or bankruptcy:

(2). Debts barred by any statute of limitations.

*As to Adjudication of Bankruptcy against Pauper and other Prisoners for Debt.*

98. If any debtor, whether a trader or not, now being or who shall be imprisoned for any debt or demand, shall through poverty be unable to petition the proper court for an adjudication of bankruptcy against himself, he shall be at liberty to petition in form *pauperis*, upon making an affidavit that he has not the means of paying the fees and expenses usually payable in respect of a petition by a debtor for an adjudication of bankruptcy; such affidavit may be sworn before the gaoler of the prison where such debtor is confined, and such gaoler is hereby empowered and required to take such affidavit, and swear the deponent thereto, without fee or reward.

99. Every person so petitioning in form *pauperis* as aforesaid shall, if not previously discharged by a registrar, be brought up to the county court of the district at its next sitting after the presentation of such petition, and shall be examined by the court touching his estate and effects, debts, dealings, and transactions; and if the court shall be satisfied with such examination it shall make an order of adjudication of bankruptcy against the petitioner, and, if it think fit, grant an order of protection to the petitioner.

100. The gaoler of every prison in England or Wales within the walls, rules, or liberties whereof any person shall be in custody upon any process whatsoever, for or by reason of any debt, claim, or demand whatsoever, shall on the first day of every month, or if such day shall happen to be Sunday, then on the day next following, make a return under his hand of the name of every such person, and the date of his or her imprisonment, and the nature and amount of the debt or demand, debts or demands, for which he or she is imprisoned or in custody, and whether he or she is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty, or in such other form and manner, and with such particulars, as any general orders shall direct. Such return shall also include the names and addresses of every creditor at whose suit each such prisoner is imprisoned or detained, and shall be made by gaolers of prisons situate within the London district to the London court, and by the gaolers of prisons within the country districts to the district court of bankruptcy, or the county court

having jurisdiction in bankruptcy, within the jurisdiction of which the gaol is situate, as the case may be.

101. The commissioner or county court judge, as the case may be, shall in every case, on receiving such return, make an order that a registrar of the court of bankruptcy or of the county court of the district in which the gaol is situate shall attend at the gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such return. Notice of such order shall be forthwith given to the gaoler, and also to the execution and detaining creditors of every prisoner included in such return. On the day named in the order the registrar shall attend at the prison, and examine every prisoner included in such return who shall have been in prison, being a trader, for fourteen days, or, not being a trader, for two calendar months, touching his estate and effects, debts, dealings, and transactions. The registrar shall also ascertain the last place of abode and business of each such prisoner within the six months next prior to his imprisonment. The registrar shall have power to make an order of adjudication in bankruptcy against every such prisoner, and to grant him protection, and to make an order for his release from prison, and shall also direct in what court such adjudication shall be prosecuted, having regard to the amount of debts, and the place of trade or residence of the prisoner within the six months next preceding his imprisonment. The registrar shall certify the particulars of each case to the court of which he is registrar.

102. If the prisoner shall refuse to appear or to be sworn, or to answer all lawful questions of such registrar, or of the execution or detaining creditor, or of any other creditor who shall be present, respecting his debts, liabilities, dealings, and transactions, or to make a full discovery of his estate and effects, and of all his books of account, or to produce the same, or to sign his examination when taken, the registrar shall report the same to the court, and the court may, by warrant under the hand and seal of the judge or commissioner, commit him to the common gaol of the county, there to be kept, with or without hard labour, for any time not exceeding one month, and the court may at the same time adjudge such prisoner bankrupt: provided that if after such adjudication the bankrupt shall, before the period of such commitment has expired, submit to be examined, and in all things conform to the jurisdiction of the court, he shall have in all respects the same benefit as if he had submitted to the court in the first instance.

103. Every adjudication against any prisoner for debt so brought up as aforesaid shall, unless the court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all purposes as if it had been made under any other of the provisions of this act.

104. No person who is in custody solely under or by reason of any warrant or order made or issued by, or by the authority of, a judge, under the provisions of the 8 & 9 Vict. c. 127, or of the 9 & 10 Vict. c. 95, or by the authority of any court having the power to commit any person to prison upon or by reason of any order or judgment, wherever there shall have been recovered a sum for debt not exceeding 20*l.*, exclusive of costs, shall be included in the return so directed to be made by gaolers as aforesaid, or released from such imprisonment by virtue of any order to be made by the registrar as aforesaid, or be entitled to petition in forma pauperis under this act.

105. Every judge, in acting under the last-mentioned statutes, and in deciding whether the party summoned before him has then, or has had since the judgment obtained against him, sufficient means and ability to pay the debt or damages, or costs, so recovered against him, either altogether or by any instalment or instalments as ordered, shall take into consideration all the debts and liabilities of the party so summoned, and his conduct in disposing of his money or property since the judgment was given.

#### *As to Lunatic Prisoners for Debt.*

106. If any person, being or alleged to be of unsound mind, shall be in prison for debt, the gaoler shall forthwith require a justice of the peace for the county or place wherein such prison shall be, to visit such debtor, and to inquire into his state of mind; and such justice shall call to his assistance two duly qualified medical practitioners, each of whom shall be a physician, surgeon, or apothecary, and each of whom shall

separately examine such debtor; and if such two medical practitioners shall each sign a certificate with respect to such debtor, according to the form in Schedule (H.) to this act annexed, and such justice shall be satisfied from his own view, that such debtor is of unsound mind, he shall certify the same to the proper court, and thereupon the court may appoint some person to represent such debtor, and direct such proceedings to be taken for adjudication in bankruptcy against him as the court shall think fit; and all proceedings under such adjudication shall be had and carried on in the same manner, and with the like effect, as if such prisoner had been of sound mind, and had presented a petition to the court for adjudication of bankruptcy, or as near thereto as the difference of circumstances will permit.

107. Any justice of the peace of the county or place aforesaid may thereupon remove such prisoner from such gaol, and may cause him to be sent to the asylum of the county in which such gaol shall be situate, in order that he may be placed under care and treatment as a lunatic; and such removal shall not be considered as an escape or final discharge from such gaol; and such prisoner shall thereafter be dealt with in all respects as a pauper lunatic, and shall be subject to the acts of Parliament for the time being in force respecting pauper lunatics, or as near thereto as circumstances will permit: provided nevertheless, that in the event of his recovery from his lunacy, he shall, if still liable to be detained in custody as a debtor, be remitted to the gaol from whence he was received.

#### *As to Procedure after Adjudication.*

108. Immediately on adjudication it shall be the duty of the official assignee to take possession of the bankrupt's estate, and to retain possession thereof until the appointment of a creditors' assignee; but if such official assignee, or if the court, upon the representation of any creditor, shall be of opinion that the keeping possession of the bankrupt's property is not requisite for the due protection of the creditors, such possession shall not be continued.

109. As soon as conveniently may be after adjudication shall have become absolute, the court shall appoint a meeting of the creditors, of which ten days' notice shall be given in the London Gazette, and which meeting shall be held at such time and place as the court shall appoint; and at such meeting a registrar, or such other person as the court shall appoint for that purpose, shall preside, and receive the proofs of the debts of the creditors. The official assignee shall attend, and give to the meeting the fullest information in his power of the estate and effects of the bankrupt, and of the debts due from his estate; and it shall be lawful for the majority in number and value of the creditors present at such meeting, or at any adjournment thereof, to resolve and determine that the proceedings in the bankruptcy shall be transferred to, and thenceforth prosecuted in, the county court of any district other than the metropolitan district, and the court shall order the same accordingly, upon being satisfied that such resolution was duly made. At this meeting a majority in value of the creditors present shall determine whether any or what allowance for support shall be made to the bankrupt up to the time of passing his last examination.

110. In case, at such meeting or at any other meeting of creditors, any proposal shall be made by or on behalf of the bankrupt which it shall appear to the major part in value of the creditors then present ought to be accepted, or if it shall appear to the majority in value of the creditors present at any meeting to be desirable on any ground to resolve, and such majority shall resolve, that no further proceedings be taken in bankruptcy, the meeting shall be adjourned for fourteen days, in order that notice of such resolution may be given to every creditor by the official or creditors' assignee, which shall be done accordingly; and if at such adjourned meeting a majority in number, representing three-fourths in value of the creditors present, shall so resolve, the proceedings in bankruptcy shall be suspended, and the estate and effects of the bankrupt shall be wound up and administered in such manner as such majority shall direct; and the bankrupt, having made a full discovery of his estate, shall be entitled to apply for an order of discharge.

111. From and after the passing of this act no attestation shall be required to give effect to the admission referred to in the 123rd section of the Bankruptcy Law Consolidation Act,



under this act shall not be necessary to set forth or specify any question, or any part of the examination of the person so committed, but it shall be sufficient to refer in the warrant to the examination or deposition of the person as remaining on the file of proceedings, and to specify in the said warrant the precise date of the examination or deposition so referred to; and such warrant shall be in the form contained in Schedule (C.) to this act: provided, however, that in every case in which any person shall be so committed for refusing to answer, or for not fully answering, any question put to him, every such question shall be specified in the examination or deposition of the person committed remaining on the file of proceedings, and so referred to as aforesaid; and provided also, that a copy of the said examination or deposition so referred to shall be delivered personally to the person committed within twenty-four hours next after his actual commitment to prison; and in default of the said copy being delivered, the person committed shall be discharged from custody, either by the court or by the judge before whom such person may be brought by habeas corpus, with such costs, if any, as the said court or judge may deem just.

113. If any person so committed shall sue forth any writ of habeas corpus in order to be discharged from such commitment, he shall not be discharged by reason of any mere matter of form; but if the court or judge before whom he shall be brought, upon inspection and consideration of the whole of the examination or deposition of such person, shall be of opinion that the answer or answers of such person is or are satisfactory, the court or judge may order the person so committed to be discharged.

114. The court shall have power to dispose, for the benefit of the creditors, of any estate or interest, at law or in equity, which, at adjudication or afterwards, before order of discharge, a bankrupt has in any copyhold or customary land, and to make an order vesting the land, or such estate or interest as the bankrupt has therein, in such person and in such manner as the court shall think fit.

115. Where, under any settlement or will, a bankrupt non-trader shall be entitled to a life estate, in remainder expectant upon the death or deaths of any previous tenant or tenants for life, with any remainder over to the bankrupt's issue, or the heirs of his body, or any of them, as purchasers, the life estate of such bankrupt non-trader shall not be sold before it falls into possession without an express direction of the court.

#### *As to the Choice of a Creditors' Assignee.*

116. At the first meeting of creditors, or any adjournment thereof, it shall be competent to the majority in value of the creditors who have proved debts to choose an assignee or assignees of the bankrupt's estate and effects, and to be called the creditors' assignee: provided that the court shall have power to reject any person so chosen who shall appear to such court unfit to be such assignee, and upon such rejection a new choice of creditors' assignee shall be made.

117. Upon the appointment of the creditors' assignee, all the estate, both real and personal, of the bankrupt, shall be devested out of the official assignee, and vested in the creditors' assignee.

118. The official assignee shall forthwith render to the creditors' assignee a full and particular account or balance-sheet of the bankrupt's estate, and of all receipts, payments, and other transactions of such official assignee, and also a list of all the creditors of the bankrupt who have proved their debts against the estate.

119. The creditors' assignee shall, in the presence of a registrar, audit such account, and may call for such information from the official assignee as he possesses concerning the estate. The account shall be audited in the presence of the judge of the court, in cases where the registrar of such court is also the official assignee. A printed copy of such account of the official assignee, when audited, shall, unless the registrar or the judge, as the case may be, shall otherwise direct, be sent by post by the creditors' assignee to every creditor who has proved.

120. The court shall give such directions as it may deem expedient with respect to the custody and inspection of the

creditors' assignee, with withhold possession of the books of account of the bankrupt, or to claim any lien thereon.

121. The majority in value of the creditors present at the meeting for choice of a creditors' assignee shall determine whether any security shall be given by such assignee, and if so, the amount and nature thereof; and such security may, if the creditors so determine, be by way of bond given to any registrar of the court or his successors, who are hereby authorised to sue thereon. At the same meeting, or at any other meeting called for the purpose, the majority in value of the creditors present may also determine whether a manager shall be appointed to collect and wind up the estate, under the inspection of the creditors' assignee, or of a committee of creditors, and may appoint such person, with such remuneration out of the estate, and generally upon such terms, for such period, and with such directions, as the majority shall think fit.

122. When the election of an assignee shall have been accepted by the person elected, and confirmed by the court, the court shall, by certificate under the hand of the commissioner and the seal of the court (to be called the certificate of appointment), declare such creditors' assignee to have been duly elected, and appoint him to the said office accordingly. Such appointment shall be final, and shall not be subject to review or appeal, except as hereinafter provided.

124. A majority in number and value of the creditors may, at any meeting duly called for the purpose, remove the creditors' assignee or manager, or accept of his resignation; and one-fourth in value of the creditors who have proved may at any time apply to the court, by petition, for the removal of the creditors' assignee or manager; and if on the hearing of such petition the court shall be of opinion that sufficient reason has been shewn, it may remove such creditors' assignee or manager, and appoint a meeting of the creditors to be held for electing a new creditors' assignee; and if the assignee shall die, resign, or be removed, or remain abroad for three months at any one time, any creditor may apply to the court to appoint a meeting for electing a new creditors' assignee, and the court may accordingly appoint a meeting, whereof at least seven days' previous notice shall be given in the London Gazette, and such meeting may elect a new creditors' assignee accordingly.

126. In all cases of the election of a new creditors' assignee the proceedings shall take place in the like manner as is hereinbefore provided in the case of the first election, and the new creditors' assignee shall have the same powers and perform the same duties as the creditors' assignee first chosen, and shall call to account such creditors' assignee, his heirs, executors, administrators, or assigns, as the case may require.

128. No valuation of a bankrupt's property shall be made unless the court shall so direct; and any valuation required by the creditors shall be made in such manner and upon such terms as general orders shall from time to time direct.

#### *As to the Rights and Duties of the Creditors' Assignee.*

127. The creditors' assignee shall manage, and, except as herein provided, realise and recover the estate belonging to the bankrupt, wherever situated, and convert the same into money, and he shall pay all monies not necessarily retained for current expenses, all Exchequer bills, India bonds, and all other public securities, and all bills, notes, and negotiable instruments belonging to the estate, forthwith upon receipt thereof, into the Bank of England, to the account of the accountant in bankruptcy, unless, in the case of any adjudication in a country distriet, there shall be no branch of the Bank of England in the locality, and then into such bank as the court shall direct, to the credit of an account to be opened in such bank by such assignee in his official character.

128. The official assignee shall collect, realise, and recover every debt due to the estate the amount of which shall not exceed the sum of 10£., and shall pay all sums so collected, realised, and recovered forthwith into the Bank of England, or otherwise in manner in the next preceding clause provided; and as to all such sums of money, he shall be and shall be deemed sole assignee of the estate, notwithstanding the appointment of a creditors' assignee.

129. The creditors' assignee shall, at the end of three



months from and after his appointment, and thenceforth at the expiration of every succeeding three months, render to the official assignee, in the presence of the registrar, a debtor and creditor account of all sums received and paid on account of the bankrupt or his estate, verified on oath as a full, true, and faithful account of his receipts and payments as such creditors' assignee; and the vouchers for such account, and all books of account in his possession or power, together with his bankers' pass-book, shall be produced by him to the official assignee, who shall examine the same, and if he shall be dissatisfied with such account, the same, or any part thereof, or any matter arising thereon, shall be inquired into and considered by the registrar, in the presence of the official and creditors' assignee; and if no creditors' assignee be appointed the official assignee shall in like manner render the account herein required to the registrar, who shall examine the same: provided, that in the case of county court registrars, their accounts, as official assignees, shall be in like manner rendered to, and examined and passed by, the judges of their respective courts.

130. Forthwith after the passing of each such account of the creditors' assignee, a copy thereof, or a statement showing the nature and result of the transactions and accounts of the assignee, shall be made out by the official assignee, and sent by him in a printed form through the general post to every creditor who has proved under the bankruptcy.

131. In every case of a lease or an agreement for a lease it shall be lawful for the assignees to elect to take the same and the benefit thereof, and to keep possession of the premises up to some quarter or half-yearly day on which rent is made payable by the same lease or agreement, such day not being more than six months from the adjudication of bankruptcy, and upon such day to decline such lease or agreement for a lease.

132. Any mortgagee, with the leave of the court first obtained, may bid at any sale of the mortgaged property.

133. If it shall appear to any meeting of the creditors summoned by the assignees, by notice stating the object of the meeting, and at which three-fourths in value of the creditors shall be present or represented, that the debts of any bankrupt can be discharged by means of money raised by way of mortgage or pledge of any of his property, and such meeting shall pass a resolution accordingly, it shall be lawful for the assignees, when thereunto authorised by order of the court, to execute such mortgage or pledge, with or without powers of sale and other powers, and in such manner in all respects as shall be specified in such order; and the court may order the execution of such mortgage or pledge by any other necessary parties, and give all necessary directions for the purpose of carrying into effect the resolution of the creditors.

134. The court may order such portion of the pay, half-pay, salary, emolument, or pension of any bankrupt as, on communication from the court, the Secretary of State for War, or the Secretary of State for India, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief officer of the department to which such bankrupt may belong or may have belonged, or under which such pay, half-pay, salary, emolument, or pension may be enjoyed by such bankrupt, may officially sanction to be paid to the assignees, to be applied in payment of the debts of such bankrupt; and such order and sanction being lodged in the office of her Majesty's Paymaster-General, or of the Secretary of State for India, or of any other officer or person appointed to pay, or paying, any such pay, half-pay, salary, emolument, or pension, such portion of the said pay, half-pay, salary, emolument, or pension as shall be specified in such order and sanction shall be paid to such assignees until the court shall make order to the contrary.

135. If any bankrupt be a beneficed clergyman, the assignees may apply for and obtain a sequestration of the profits of the benefice of such bankrupt, which profits shall form part of the bankrupt's estate, and be applied accordingly; and the certificate of appointment of such assignees shall be a sufficient authority for the granting of such sequestration, without any writ or other proceeding to authorise the same, and such sequestration shall accordingly be issued as the same might have been issued upon any writ of *levari facias* founded upon any judgment against such bankrupt: provided always, that the sequestrator shall allow out of the

benefice to the bankrupt, whilst he performs the duties of the parish or place, such an annual sum, payable quarterly, as the bishop of the diocese in which the benefice is situated shall direct; and it shall be lawful for the bishop to appoint to such bankrupt such or the like stipend as by law he might have appointed to a curate duly licensed to serve such benefice in case the bankrupt had been non-resident.

136. In case of any claim, dispute, or difference between the official assignee, the creditors' assignee, and the creditors, or any of such persons, or between any persons claiming under a trust deed, deed of composition or arrangement, relating to any bankrupt's or debtor's estate, or to any money or property claimed as part of the estate of any bankrupt or debtor, either party may apply to the court having jurisdiction in the bankruptcy, and in other cases to the court in London; and it shall be lawful for the court to determine the same, and to summon and examine upon oath the official or creditors' assignee, trustee, or any other person whomsoever, as to any matters and things concerning the bankruptcy or trust estate, and to direct such inquiries, and to give such directions, and make such orders relative thereto, as shall to the court seem just and expedient, and to award costs, personally or in any other manner, against the official or creditors' assignee, trustee, or any other person: provided that in all cases in which a resolution has been come to by a majority in number and value of the creditors assembled in a meeting, regard shall be had by the court to such resolution, and the same shall not be varied or set aside by the court unless such resolution shall, in the opinion of the court, be unjust or inequitable, and not fit to be binding and conclusive under this act.

137. At any time after the expiration of twelve months from adjudication, or at any earlier period with the approbation of the court, the assignees may sell by auction or tender, or, with the sanction of the court, by private contract, all or any of the book debts due or growing due to the bankrupt, and the books relating thereto, and the goodwill of his trade or business, and assign the same to the purchaser; and such purchaser shall, by virtue of the assignment, have power to sue in his own name for the debts assigned to him, as effectually, and with the same privileges concerning proof of the requisites of bankruptcy and other matters, as the assignee himself.

138. When the affairs of the bankrupt are fully wound up, the court may, subject to the directions of any general order, make from time to time such orders as in each case seem fit respecting the disposal or custody of any books, papers, or documents relating to property or affairs in the possession or under the control of the official assignee, the creditors' assignee, or any other person.

139. If the creditors' assignee shall wilfully fail to observe any of the directions herein contained, or shall be guilty of any neglect in the performance of his duty, or it shall be made to appear to the court, on the application of any two or more creditors, that it would be for the benefit of the estate that such creditors' assignee should not continue to have the management and administration of the bankrupt's estate, it shall be lawful for the court either to appoint an official assignee to act jointly with such creditors' assignee, or to remove such creditors' assignee, and direct a choice of another creditors' assignee, or to appoint an official assignee alone to wind up and administer the estate under the bankruptcy.

#### *As to the last Examination.*

140. The court shall, forthwith after the meeting for the choice of an assignee by the creditors, appoint a public sitting on a day not later than sixty days from the date of such meeting, and shall give notice of such sitting in the London Gazette, and in such newspapers as the court shall direct, for the bankrupt to pass his last examination, and also, unless the court shall in any case otherwise direct, to make application for his discharge; but the court shall have power to enlarge the time appointed for such sitting, or to adjourn the same.

141. The bankrupt shall prepare such statement of his accounts and in such form as general orders or as the court in any case shall direct, and shall subscribe such statement, and file the same in court ten days at least before the day appointed for the last examination, or adjournment thereof; and such statement may, before such last examination, be

rupt shall in no case be passed unless the statement shall have been duly filed as aforesaid.

142. The statement of accounts, when filed in court, shall be open to the inspection of all creditors, who may take copies of and extracts from the same, subject to such regulations as general orders shall direct; and an abstract thereof shall be printed, and a printed copy of such abstract shall be sent by post within a week from the filing thereof, by the official assignee, to each creditor who has proved.

143. In the preparation of such statement of his accounts the bankrupt shall be assisted by the official assignee, who shall prepare and file in court, together with such statement, a report upon the state of the affairs of the bankrupt, setting forth such facts and particulars as may be required by the court, or as it shall in the opinion of such assignee be important for the court to be informed of: provided that if it shall in any case appear to the court that there are special circumstances rendering it necessary that the bankrupt should be assisted in the preparation of such statement of accounts by some person other than such official assignee, the court may nominate some such person to assist the bankrupt in that behalf, and may allow to such person, out of the bankrupt's estate, such remuneration as to the court, upon the taxation of such person's bill of costs, shall seem just; and in such case the statement so prepared shall have appended thereto a certificate, signed by the person appointed to assist the bankrupt in the preparation thereof, expressing his approval or disapproval thereof, and the particulars and reasons of such disapproval.

#### *As to Proof of Debts.*

144. Every creditor of the bankrupt may, after adjudication, prove his debt, by delivering or sending through the general post, before the appointment of the creditors' assignee, to the official assignee, and after such appointment to the creditors' assignee, a statement of such debt, and of the account, if any, between the creditor and the bankrupt, together with a declaration, signed by the creditor, appended thereto, that such statement is a full, true, and complete statement of account between the creditor and the bankrupt, and that the debt thereby appearing to be due from the estate of the bankrupt to the creditor is justly due; and all bodies politic and public companies incorporated, or authorised to sue or bring actions, may prove by an agent, provided such agent shall in his declaration declare that he is such agent, and that he is authorised to make such proof; and such declaration, signed by such creditor and agent respectively as aforesaid, shall be in such form as general orders shall direct.

145. Any person who shall wilfully and corruptly make any declaration for proof of debt as aforesaid, knowing the same, or the statement of account to which the same shall be appended, to be untrue in any material particular, shall be deemed guilty of a misdemeanour, and shall be liable to undergo the pains and penalties imposed upon persons guilty of wilful and corrupt perjury.

146. Every creditor of the bankrupt may also after adjudication prove his debt by deposition in court or in chambers, or before a registrar at any meeting of creditors elsewhere than in court, or by affidavit upon his own oath, or upon that of any clerk or other person in his employment: provided that where such deposition or affidavit shall be made by any other person than the creditor, the deponent shall, in his deposition or affidavit, set forth that he is duly authorised by his principal to make the deposition or affidavit, and that it is within his own knowledge that the debt was incurred, and for the consideration stated, and that to the best of his knowledge and belief the debt still remains unpaid and unsatisfied.

147. The official or creditors' assignee, as the case may be, shall examine all the statements of account aforesaid, and compare the same with the books, accounts, and other documents of the bankrupt, and shall from time to time make out a list of the creditors who have proved their debts, stating the amount and nature of such debts, which list shall be open to the inspection of any creditor who has proved under the estate.

able of giving evidence concerning such proof; and in like manner, where the debt is tendered on affidavit or statement, as hereinbefore provided, may summon and examine, on oath or otherwise, the person who has made the affidavit or statement, and any other person capable of giving evidence concerning the debt sought to be proved.

148. A person entitled to enforce against the bankrupt payment of any money, costs, or expenses by process of contempt issuing out of any court, shall be entitled to come in as a creditor under the bankruptcy, and prove for the amount payable under the process, subject to such ascertaining of the amount as may be properly had by taxation or otherwise.

149. In all cases in which the bankrupt is liable to pay any rent or other payment falling due at fixed or stated periods, and the adjudication of bankruptcy shall happen at any time other than one of such fixed or stated periods, it shall be lawful for the person entitled to such rent or other payment to prove for a proportionate part thereof up to the day of the adjudication of bankruptcy, in such manner as if the said rent or payment grew due from day to day, and not at such fixed or stated periods as aforesaid.

151. If any bankrupt shall have contracted, before the filing of a petition for adjudication, any debt payable by way of instalments, the creditor may prove for the amount of such instalments remaining unpaid at the time of such petition.

152. If any debtor shall, at the time of adjudication, be liable upon any bill of exchange or promissory note in respect of distinct contracts, as member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also as the member of a firm, the circumstances that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

153. If any bankrupt shall at the time of adjudication be liable, by reason of any contract or promise, to a demand in the nature of damages, which have not been and cannot be otherwise liquidated or ascertained, it shall be lawful for the court, acting in prosecution of such bankruptcy, to direct such damages to be assessed by a jury, either before itself or in a court of law, and to give all necessary directions for such purpose; and the amount of damage, when assessed, shall be proveable as if a debt due at the time of the bankruptcy: provided that, in case all necessary parties agree, the court shall have power to assess such damages without the intervention of a jury or a reference to a court of law.

154. If any bankrupt shall at the time of adjudication be liable, by reason of any contract or promise, to pay premiums upon any policy of insurance, or any other sums of money, whether yearly or otherwise, or to repay to or indemnify any person against any such payments, the person entitled to the benefit of such contract or promise may, if he think fit, apply to the court to set a value upon his interest under such contract or promise, and the court is hereby required to ascertain the value thereof, and to admit such person to prove the amount so ascertained, and to receive dividends thereon.

155. The court may at any time expunge or reduce a proof of debt, on such application and such evidence as it shall think sufficient, and for that purpose may summon and examine upon oath or otherwise the person who has proved, and every person capable of giving evidence concerning the alleged debt, and may make such order as to the costs of any application as shall seem just.

156. The court, out of the estate and effects of the bankrupt, shall order payment of all such parochial rates as may be due from him at the time of his being adjudicated a bankrupt: provided such rates have become due during the twelve months immediately preceding the bankruptcy.

#### *As to the Discharge of the Bankrupt.*

157. From and after the commencement of this act all classification of certificates shall be abolished; and in every case where the discharge of a bankrupt shall be suspended,

such discharge, when allowed, shall simply state the period for which it was suspended, and the reasons for such suspension; and if the bankrupt shall have been sentenced to imprisonment by any court under the provisions of this act, the discharge shall also set forth the fact of such sentence and the period of such imprisonment.

158. After the bankrupt has passed his last examination, unless an order of discharge shall have been previously made as hereinbefore provided, the court shall appoint a sitting for the purpose of considering the question of granting to the bankrupt such order. Fourteen days' notice of such sitting shall be given in the London Gazette and such newspapers as the court shall direct. The assignees, or any creditor who has proved, may be heard against such discharge.

159. In granting orders of discharge the following rules shall be observed:—

- (1). If, on the hearing of any application for an order of discharge, the assignees or any creditor shall allege, and if with or without such allegation the court shall be of opinion, that there is ground for charging the bankrupt with acts or conduct amounting to a misdemeanour under this act, the court shall, if the bankrupt consent thereto, direct a clear statement in writing of the charge to be delivered to the bankrupt, and shall appoint a day for trying the bankrupt on such charge, and, if the bankrupt require it, shall summon a jury for such purpose, and may direct the creditors' assignee, or the official assignee, or any of the creditors of the bankrupt, to act as prosecutor on such trial: provided always, that in every case of accusation against a bankrupt of acts amounting to a misdemeanour, it shall be competent to the court to direct that the bankrupt be indicted and prosecuted in one of the ordinary courts of criminal justice; and in all other cases the order of discharge shall take effect immediately from its date, subject to the appeal herein provided:
- (2). If on such trial by a jury, or by the commissioner alone, the bankrupt shall be convicted of any offence by this act made a misdemeanour, the commissioner shall, in addition to the punishment awarded for the offence, have power to direct that the order of discharge be either wholly refused or suspended during such time and upon such conditions as he shall think fit:
- (3). If the bankrupt shall not be accused of acts amounting to misdemeanour, or if he shall have been accused and acquitted, but in either case there shall be made, or shall appear to the court to exist, objection to the granting of an immediate discharge, the court shall proceed to consider the conduct of the bankrupt before and after adjudication, and the manner and circumstances in and under which his debts have been contracted; and if the court shall be of opinion that the bankrupt has carried on trade by means of fictitious capital, or that he could not have had at the time when any of his debts were contracted any reasonable or probable ground of expectation of being able to pay the same, or that, if a trader, he has, with intent to conceal the true state of his affairs, wilfully omitted to keep proper books of account, or, whether trader or not, that his insolvency is attributable to rash and hazardous speculation, or unjustifiable extravagance in living, or that he has put any of his creditors to unnecessary expense by frivolous or vexatious defence to any action or suit to recover any debt or money due from him, the court may either refuse an order of discharge, or may suspend the same from taking effect for such time as the court may think fit, or may grant an order of discharge subject to any condition or conditions touching any salary, pay, emoluments, profits, wages, earnings, or income which may afterwards become due to the bankrupt, and touching after-acquired property of the bankrupt, or may sentence the bankrupt to be imprisoned for any period of time not exceeding one year from the date of such sentence:

Provided always, that no person shall be liable by virtue of this act to any criminal proceeding or penalty in respect of any matter which may have occurred before the passing of

this act to which he would not have been liable if this act had not passed.

160. With respect to all persons heretofore bankrupt, and whose certificates of conformity shall have been refused, it shall be lawful for the court, at any time after the expiration of three years from the time of and notwithstanding such refusal, to hear and determine the application of any such bankrupt for an order of discharge, and thereupon, if the court shall think fit, to grant an order of discharge, either absolute or subject to any condition or conditions, in the same manner as if the bankruptcy of such applicant had taken place after the commencement of this act.

161. The order of discharge shall, upon taking effect, discharge the bankrupt from all debts, claims, or demands proveable under his bankruptcy, save as herein otherwise provided; and if thereafter he shall be arrested or any action shall be brought against him for any such debt, claim, or demand, he shall be discharged upon entering an appearance, and may plead in general that the cause of action accrued before he became bankrupt, and may give this act and the special matter in evidence; and the order of discharge shall be sufficient evidence of the bankruptcy, and the proceedings precedent to the order of discharge.

162. If a bankrupt, after the order of discharge takes effect, be arrested or detained in custody for a debt, claim, or demand proveable under his bankruptcy, where judgment has been obtained before the order of discharge takes effect, the court, or a judge of a superior court of law, shall, on proof of the order of discharge, and unless there appear good reason to the contrary, direct the officer who has the bankrupt in custody to discharge him, which shall be done accordingly without fee.

163. The order of discharge shall not release or discharge any person who was a partner with the bankrupt at the time of the bankruptcy, or was then jointly bound, or had made any joint contract with him.

164. After the order of discharge takes effect, the bankrupt shall not be liable to pay or satisfy any debt, claim, or demand proveable under the bankruptcy, or any part thereof, on any contract, promise, or agreement, verbal or written, made after adjudication; and if he be sued on any such contract, promise, or agreement, he may plead in general that the cause of action accrued pending proceedings in bankruptcy, and may give this act and the special matter in evidence.

165. The order of discharge shall discharge the bankrupt from the effects of any process issuing out of any court for contempt of any court for non-payment of money or of costs or expenses in any court, and from all costs which he would be liable to pay in consequence of or on purging his contempt; and a bankrupt in custody under any such process as aforesaid shall, on obtaining an order of discharge, be entitled to be discharged from such custody forthwith.

166. Any contract, covenant, or security made or given by a bankrupt or other person, with, to, or in trust for any creditor, for securing the payment of any money as a consideration or with intent to persuade the creditor to forbear opposing the order for discharge, or to forbear to petition for a rehearing of or to appeal against the same, shall be void, and any money thereby secured or agreed to be paid shall not be recoverable, and the party sued on any such contract or security may plead in general that the cause of action accrued pending proceedings in bankruptcy, and may give this act and the special matter in evidence: provided always, that no such security, if a negotiable security, shall be void as against a bona fide holder thereof for value without notice of the consideration for which it was given.

167. If any creditor of a bankrupt shall obtain any sum of money, or any goods, chattels, or security for money, from any person as an inducement for forbearing to oppose, or for consenting to the allowance of the discharge of such bankrupt, or to forbear to petition for the recall of the same, every such creditor so offending shall forfeit and lose for every such offence the treble value or amount of such money, goods, chattels, or security so obtained.

168. The order of discharge, whether suspended or not, shall not be reviewed by the court, unless the court see good cause to believe that the order was obtained on false evidence, or by reason of the suppression of evidence, or otherwise fraudulently; in any of which cases the court may, if it think fit, upon the application of the bankrupt or of a creditor who has proved, and subject to such deposit for costs, and to such

notice, by advertisement or otherwise, as the court shall think fit, grant a rehearing of the matter, and rehear it accordingly; and upon rehearing the court shall make such order as shall seem just, in like manner as it might upon an original hearing.

169. If on such rehearing the court shall annul or suspend the order of discharge, all persons having *bonâ fide* become creditors of the bankrupt between the time of the order originally taking effect and the time of its being annulled or suspended on rehearing shall, as against any property acquired by the bankrupt during the same period, and in priority to the original creditors, be admitted to prove and have dividends under the bankruptcy.

170. The order of discharge shall not be drawn up until after the expiration of the time allowed for appeal, or, if an appeal be brought, until after the decision of the court of appeal upon such appeal, and shall bear date either the day after the expiration of the time allowed for appeal, or the day of the decision of the court of appeal, as the case may require.

171. At any time within thirty days after any order of discharge shall have been allowed or refused, and subject to such order as to deposit of costs as general orders shall direct, any creditor of the bankrupt, or any creditors' assignee, or the bankrupt, may, if the order of discharge has been made or refused by any commissioner or county court judge, apply to the Court of Appeal in Chancery that such order of discharge may be granted, or recalled and delivered up to be cancelled; and such court may, on good cause shewn, order such order of discharge to be granted, or to be recalled and cancelled.

172. The order of discharge shall be in such form as general orders shall direct, and shall be under the hand of the commissioner and the seal of the court; and notice of the granting thereof shall be advertised in the *London Gazette* and two local papers.

#### *As to Audit.*

178. No public sittings of the courts shall be held for the sole purpose of auditing the accounts of the assignees, but such accounts shall be audited in such manner as is herein provided, or as general orders shall direct.

#### *As to Dividend.*

174. At the expiration of four months from the date of the adjudication of bankruptcy, or as much earlier as the court shall appoint, the creditors' assignee shall submit to a meeting of creditors, to be called for that purpose, and to be held before the registrar, of which meeting ten days' notice shall be given in the *London Gazette* and in two local newspapers, a statement of the whole estate of the bankrupt as then ascertained, of the property recovered, and of the property outstanding, specifying the cause of its being so outstanding, and of all the receipts, and of all payments thereout, made or to be made; and the official assignee shall, and any creditor who has proved may, attend and examine such statement, and compare the receipts with the payments; and upon ascertaining what balance is then in the Bank of England, or other bank, to the credit of the estate, the meeting shall, by resolution, declare whether any and what part of the net produce of the estate, after making a reasonable deduction for future contingencies, shall be divided amongst the creditors. At the same meeting, the majority in value of the creditors present shall determine whether any and what allowance shall be made to the bankrupt out of his estate, if he has obtained or shall obtain a discharge.

175. If, upon such examination, it shall appear that the creditors' assignee has kept in his hands, at any time during the space of one week, more than the sum of 50*l.* belonging to the estate, the creditors may, upon establishing such fact to the satisfaction of the court, and if the assignee shall not shew cause to the contrary, debit such assignee with interest for the amount so kept, at any rate not exceeding 20*l.* per centum by the year for the time such monies were kept in his hands.

176. In the calculation of a dividend it shall be imperative to make provision for debts which shall appear, from the bankrupt's balance-sheet, to be due to persons resident in places so distant from the court that, in the ordinary course of communication, they have not had sufficient time to tender their proofs, or to establish them if disputed; and also

for debts the subject of claims not yet determined by the court.

177. In every case where joint and separate estates have to be administered, and where the court shall not otherwise direct, dividends of the joint and separate estates shall be declared at one and the same sitting, and notice of the time appointed for such dividends, when advertised, shall be given in one and the same advertisement; and the costs, charges, and expenses of and incident to the sitting shall be apportioned by the assignee between the joint and separate estates, as may appear to be fair and reasonable, having regard to the work done for, and the benefit received by, each estate; and a single fee, and no more, shall be payable to the solicitor to the estate in respect of the sitting.

178. Within ten days after such meeting, or within such further time as the court may allow, the official assignee shall prepare lists of creditors entitled to dividend, and shall calculate, and set opposite to the name of each creditor who has proved under the estate (subject to the provision herein contained as to dividends reserved), the dividend to which he is entitled out of the net produce of the estate so set apart for a dividend, and shall forward by post to every such creditor a statement of the dividend to which he is so entitled; and such dividends shall be paid at the Bank of England or otherwise, in such manner as general orders shall direct.

179. The like proceedings for the making up and auditing of the accounts of the estate, and the declaration and payment of a dividend, which are herein directed to be had at the expiration of four months from the adjudication of bankruptcy, shall be had at the successive expirations of every period of four months, or earlier, as the case may be, until the whole of the estate is divided amongst the creditors, and a dividend is declared to be final: provided that it shall be lawful for the majority in value of the creditors, at any such meeting as aforesaid, to postpone the period of declaring a dividend, or at any time, in declaring a second dividend, to declare also that such second dividend shall be final, unless any action at law or suit in equity be depending, or any part of the estate be standing out, not sold or disposed of, or unless some other estate or effects of the bankrupt shall afterwards come to the assignee, in which case he shall, as soon as may be, convert such estate and effects into money, and, within two months after the same shall be so converted, the same shall also be divided in manner aforesaid.

#### *As to the Discharge of Creditors' Assignees.*

180. The order for discharge shall operate to release the creditors' assignee from all claims and demands of the creditors, or of any person who might have proved under the bankruptcy, subject nevertheless to such conditions, if any, as shall be expressed in such order of discharge.

181. Every creditors' assignee shall, before his discharge, transmit to the official assignee a list of unclaimed dividends on the estate, and of all debts remaining due to the estate, under his hand, and shall pay all monies and other estate of the bankrupt then in his hands into the Bank of England, to the account of the accountant in bankruptcy, to the credit of the estate.

182. Where the creditors' assignee has obtained an order of discharge, the official assignee first appointed in the matter of the bankruptcy shall, as to any estate and effects of the bankrupt not realised at the time of such order of discharge, and as to all debts then remaining uncollected, and which shall not have been sold in manner herein provided, and as to any future acquired property of the bankrupt, if made liable to the creditors under the conditions of discharge, represent the estate in all respects as the sole assignee thereof, and shall have and exercise all the rights, duties, powers, and authorities conferred by this act upon official and creditors' assignees.

183. The accountant in bankruptcy shall, on the application of any assignee, give to him a certificate stating the amount and description of any sum of money, notes, bills, or other negotiable instruments which he may be desirous of paying into the Bank of England under the provisions herein contained; and on the production of such certificate the Governor and Company of the Bank of England shall receive the sum therein mentioned, and such bills, notes, or other negotiable instruments, and give a receipt for the same, and shall forthwith carry the same to the credit of the ac-

accountant in bankruptcy; and every such certificate and receipt shall be given without fee or reward.

184. All unclaimed dividends, save dividends declared before the passing of this act, and all monies unclaimed, the produce of any bankrupt's estate, shall, after the expiration of the period of twelve months from the dividend having been declared, or from the time at which any other monies unclaimed shall have come to the hands of the assignees, be transferred to the credit of "the unclaimed dividend account," subject to the order of the court for the payment thereof of any dividend due to any creditor, or for the distribution of any such other unclaimed money; and the interest and profit arising from the said account shall from time to time be paid over to the account of the chief registrar.

#### *As to Change from Bankruptcy to Arrangement.*

185. At the first meeting of creditors held after adjudication in manner herein provided, or at any meeting to be called for the purpose, and of which ten days' notice shall have been given in the London Gazette, three-fourths in number and value of the creditors present or represented at such meeting may resolve that the estate ought to be wound up under a deed of arrangement, composition, or otherwise, and that an application shall be made to the court to stay proceedings in the bankruptcy for such period as the court shall think fit.

186. The registrar shall report such resolution to the court within four days from the date of such resolution; and the bankrupt, or any creditor nominated in that behalf by the meeting, may then apply to the court that the proceedings in bankruptcy may be stayed in the terms of such resolution; and the court, after hearing the bankrupt, and such creditors as may desire to be heard, for or against the resolution, and if it shall find that the resolution was duly carried, and that its terms are reasonable, and calculated to benefit the general body of the creditors under the estate, shall confirm the same, and make order accordingly, and in such order shall give such directions as to the interim management of the estate as it shall deem expedient.

187. If the proceedings in bankruptcy be stayed as herein provided, the bankrupt, or any creditor nominated in that behalf by the meeting aforesaid, may, at any time within the period during which the proceedings are so stayed, produce to the court a deed of arrangement, signed by or on behalf of three-fourths in number and value of all the creditors of the bankrupt; and the court may consider the same, and may examine on oath the bankrupt and any of the creditors who may desire to be heard in support of or in opposition to the deed, and may make such other inquiry as it may think necessary; and if the court shall be satisfied that the deed has been duly entered into and executed, and that its terms are reasonable, and calculated to benefit the general body of the creditors under the estate, it shall by order make a declaration of the complete execution of the deed, and shall direct the same to be registered with the chief registrar, and shall also, if it thinks fit, annul the bankruptcy; and such deed shall thereafter be as binding in all respects on any creditor who has not executed the deed as if he had executed it, provided such deed be registered with the chief registrar in manner directed by the order.

188. Either before or after such order the court shall have jurisdiction to entertain any application of the bankrupt, or of any party to the deed, or of any creditor or person claiming to be a creditor, respecting the disclosure, distribution, inspection, conduct, management, or winding up of the bankrupt's estate and affairs, or any act or thing relating thereto, or respecting the execution of any of the trusts or provisions of the deed, or the audit or examination of the accounts of a trustee or inspector, or the taxation or examination of the costs or charges of any attorney, solicitor, accountant, auctioneer, broker, or other person acting or employed under the deed, or generally for the decision of any dispute or question; and shall also have jurisdiction to entertain any application of any such person as aforesaid respecting any matter for the submission whereof to the court provision is made by the deed, or any matter arising between any of the said persons and any other person appearing and submitting to the jurisdiction of the court; and the court shall determine all questions arising under the deed according to the law and practice in bankruptcy, so far as they may be applicable, and, on entertaining any such application, shall have power to

make all such orders as shall seem just, and to enforce all such orders as in bankruptcy.

189. The court shall have power, for the purpose of any application under these provisions, or for the better execution of any powers given to the court thereby, to summon, and to examine upon oath or otherwise, the bankrupt, and any party to the deed, and any creditor or person claiming to be a creditor, and any person known or suspected to have any of the estate in his possession, or any person supposed to be indebted to the estate, or whom the court may deem capable of giving any information material to the full disclosure of the debtor's transactions and affairs, or to the carrying into effect the provisions of the deed; and the court may exercise, as to the examination of such persons, and the production by them of such books, papers, deeds, or documents as it shall deem requisite, the same powers that are vested in the court with relation to the examination of persons and witnesses, and the production of books, papers, deeds, and documents, in matters of bankruptcy.

190. If the resolution aforesaid shall not be duly reported, or if the court shall refuse the application to stay proceedings, or if the deed of arrangement shall not be duly produced, or if upon its production the court shall not think fit to approve thereof, the bankruptcy shall proceed as though no such resolution had been passed; and the court may make all necessary orders for resuming the proceedings in bankruptcy, and the period of time which shall have elapsed between the date of such resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this act.

191. If the bankruptcy be annulled, as herein provided, the order annulling the same shall be filed with the proceedings, and notice thereof shall be given in the London Gazette.

#### *As to Trust Deeds for the Benefit of Creditors, Composition and Inspectorship Deeds executed by a Debtor.*

192. Every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor, and his release therefrom, or the distribution, inspection, management, and winding up of his estate, or any of such matters, shall be as valid and effectual and binding on all the creditors of such debtor as if they were parties to and had duly executed the same, provided the following conditions be observed; that is to say—

- (1). A majority in number, representing three-fourths in value, of the creditors of such debtor whose debts shall respectively amount to 10*l.* and upwards, shall, before or after the execution thereof by the debtor, in writing assent to or approve of such deed or instrument:
- (2). If a trustee or trustees be appointed by such deed or instrument, such trustee or trustees shall execute the same:
- (3). The execution of such deed or instrument by the debtor shall be attested by an attorney or solicitor:
- (4). Within twenty-eight days from the day of the execution of such deed or instrument by the debtor the same shall be produced, and left (having been first duly stamped) at the office of the chief registrar, for the purpose of being registered:
- (5). Together with such deed or instrument there shall be delivered to the chief registrar an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustee or trustees, that a majority in number, representing three-fourths in value, of the creditors of the debtor whose debts amount to 10*l.* or upwards, have in writing assented to or approved of such deed or instrument, and also stating the amount in value of the property and credits of the debtor comprised in such deed:
- (6). Such deed or instrument shall, before registration, bear such ordinary and ad valorem stamp duties as are hereinafter provided:
- (7). Immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees.

193. The date, names, and descriptions of the parties to every such deed or instrument, not including the creditors, together with a short statement of the nature and effect

copy of such entry shall be published in the London Gazette within four days after the making of such entry.

194. Every deed, instrument, or agreement whatsoever, by which a debtor, not being a bankrupt, conveys, or covenants or agrees to convey, his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding up of his affairs or estate, or the release or discharge of such debtor from his debts or liabilities, shall, within twenty-eight days from and after the execution thereof by such debtor, or within such further time as the court in London shall allow, be registered in the Court of Bankruptcy, and in default thereof shall not be received in evidence.

195. No deed or instrument whatever required to be registered as aforesaid shall be registered, unless, in addition to the ordinary stamp duty, it also be impressed with or have affixed to it a stamp denoting a duty computed at the rate of 5s. upon every 100*l.*, or fraction of 100*l.*, of the sworn or certified value of the estate or effects comprised in, or to be collected or distributed under, such deed or instrument: provided, that the maximum of ad valorem duty payable in respect of any such deed or instrument shall be 200*l.*

196. Every such deed, on being so registered as aforesaid, shall have a memorandum thereof written on the face of such deed, stating the day and the hour of the day at which the same was brought into the office of the chief registrar for registration.

197. From and after the registration of every such deed or instrument in manner aforesaid, the debtor, and creditors, and trustees, parties to such deed, or who have assented thereto or are bound thereby, shall in all matters relating to the estate and effects of such debtor be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of and be liable to all the provisions of this act, in the same or like manner as if the debtor had been adjudged a bankrupt, and the creditors had proved, and the trustees had been appointed creditors' assignees under such bankruptcy; and the existing or future trustees of any such deed or instrument, and the creditors under the same, shall, as between themselves respectively, and as between themselves and the debtor and against third persons, have the same powers, rights, and remedies, with respect to the debtor and his estate, and effects, and the collection and recovery of the same, as are possessed or may be used or exercised by assignees or creditors with respect to the bankrupt, or his acts, estate and effects in bankruptcy; and, except where the deed shall expressly provide otherwise, the court shall determine all questions arising under the deed according to the law and practice in bankruptcy, so far as they may be applicable, and shall have power to make and enforce all such orders as it would be authorised to do if the debtor in such deed had been adjudged bankrupt, and his estate were administered in bankruptcy.

198. After notice of the filing and registration of such deed has been given as aforesaid, no execution, sequestration, or other process against the debtor's property in respect of any debt, and no process against his person in respect of any debt, other than such process by writ or warrant as may be had against a debtor about to depart out of England, shall be available to any creditor or claimant without leave of the court; and a certificate of the filing and registration of such deed under the hand of the chief registrar and the seal of the court shall be available to the debtor for all purposes as a protection in bankruptcy.

199. In case any petition shall be presented for an adjudication in bankruptcy against a debtor after his execution of such deed or instrument as is hereinbefore described, and pending the time allowed for the registration of such deed or instrument, all proceedings under such petition may be stayed, if the court shall think fit; and in case such deed or instrument shall be duly registered as aforesaid, the petition shall be dismissed.

200. If a debtor cannot obtain the assent of a majority in number representing three-fourths in value of his creditors, by reason of his being unable to ascertain by whom bills of

the consent of a majority in number representing three-fourths in value of all his other creditors to such deed or instrument as aforesaid: provided that notice shall have been inserted by or on behalf of the debtor in one or more newspapers published in the county or place at which he shall have carried on business immediately prior to the date of such deed or instrument, requiring his creditors to signify their assent to or dissent from such deed or instrument, by notice in writing addressed to the trustee or trustees thereof within fourteen days from the insertion of such notice, and that the affidavit or certificate of the trustee or trustees shall state the circumstances of the case, and the same shall be allowed by the court, and provided the deed or instrument be in such form as is expressed in Schedule (D.) to this act annexed, which shall vest all the estate and effects of the debtor in the trustees of such deed, and provided that all such other conditions as are hereinbefore required be duly complied with.

#### *As to Notices and Advertisements.*

201. All notices by this act or by general order required to be served on any person shall be sent by post addressed to the last known place of business or abode of such person, subject to such regulations as to registration and otherwise as such general orders shall direct: provided that this present clause shall not apply to or affect notices by this act or by any general order required to be personally served.

202. General orders respecting the form and contents of notices in the London Gazette and otherwise may provide for notices concerning more bankruptcies than one being comprised in one advertisement, and may fix the price to be paid to the printer of the London Gazette for advertisements, which price the said printer is hereby required to receive as such payment.

#### *As to Evidence.*

203. Any petition for adjudication, or arrangement, adjudication of bankruptcy, assignment, appointment of official or creditors' assignees, certificate, deposition, or other proceeding or order in bankruptcy, or under any of the provisions of this act, appearing to be sealed with the seal of any court under this act, or any writing purporting to be a copy of any such document, and purporting to be so sealed, shall at all times, and on behalf of all persons, and whether for the purposes of this act or otherwise, be admitted in all courts whatever as evidence of such documents respectively, and of such proceedings and orders having respectively taken place or been made, and be deemed respectively records of such court, without any further proof thereof; and no such copy shall be receivable in evidence unless the same appear to be so sealed, except where otherwise in this act specially provided.

204. All courts, judges, justices, and persons judicially acting, and other officers, shall take judicial notice of the signature of any commissioner or registrar of the courts, and of the seal of the courts, subscribed or attached to any judicial or official proceeding or document to be made or signed under the provisions of this act.

205. If any person shall forge the signature of any commissioner, registrar, or of the master or other officer of the court, or shall forge or counterfeit the seal of the courts, or knowingly concur in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such commissioner, registrar, master, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under the act of the session of Parliament of the 8 & 9 Vict. c. 113.

206. A copy of any petition filed in the Court for the Relief of Insolvent Debtors in England, or in any court having jurisdiction for the relief of insolvent debtors, or in bankruptcy, in any of her Majesty's dominions, colonies, or dependencies, and of any vesting order, schedule, order of adjudication, or other proceedings, purporting to be signed



by the officer in whose custody the same shall be, or his deputy, certifying the same to be a true copy of such petition, vesting order, schedule, order of adjudication, or other order or proceedings, and appearing to be sealed with the seal of such court, shall at all times be admitted under this act as sufficient evidence of the same, and of such proceedings respectively having taken place, without any other proof whatever given of the same.

#### *As to Affidavits, Declarations, and Affirmations.*

207. Any affidavit, declaration, or affirmation required to be sworn or made in relation to any matter under this act may be lawfully sworn—

- (1). In England, Scotland, and Ireland, before any court acting in matters of bankruptcy, or before any registrar or taxing master thereof, or before any commissioner for administering oaths in Chancery or any of the superior courts of common law at Westminster, or before any officer of the High Court of Chancery duly authorised to administer oaths in such court, or before a magistrate of the county, city, town, or place where any such affidavit shall be sworn :
- (2). In any colony, island, plantation, or place under the dominion of her Majesty, before any court, judge, or person lawfully authorised to take and receive affidavits, affirmations, or declarations :
- (3). In any foreign parts out of her Majesty's dominions, before a judge or magistrate, his signature being authenticated by the official seal of the court to which he is attached, or by a public notary, or before a British minister, consul, or vice-consul :

And every such court, judge, officer, or other person is hereby authorised and required to administer the oath upon any such affidavit, or to take such affirmation or declaration ; and all courts, judges, justices, commissioners, and persons acting judicially shall take judicial notice of the seal or signature (as the case may be) of any such court, judge, officer, or other person, attached, appended, or subscribed to any such affidavit or declaration, or to any other document to be used for the purposes of this act, or of other acts in relation hereto.

208. The Court of Bankruptcy in London, and the district courts of bankruptcy in England, are in like manner authorised and required to administer oaths, or to receive affirmations or declarations, upon any affidavit, or declaration, or affirmation to be used in any matter of bankruptcy or insolvency under prosecution or hereafter to be prosecuted in any court in Scotland, Ireland, or in any colony, island, plantation, or place under the dominion of her Majesty ; and all such courts shall take judicial notice of any affidavit, declaration, or affirmation so sworn or made.

209. No fee shall be payable on the swearing of any oath, or the making of any affirmation or declaration, taken or made in the London court, or in any district court of bankruptcy, in any matter of bankruptcy, arrangement, or insolvency within the United Kingdom, or in any of her Majesty's dominions, colonies, or dependencies, and no fee or reward whatever shall be taken or received by any court or magistrate for or in respect of the taking of such oath, or the making of such affirmation or declaration, other than such fee or reward as general orders shall allow.

210. Any affidavit of any prisoner in any of her Majesty's prisons or gaols in England, to be used in any matter under this act, may be sworn before the visiting or other justices, or if within twelve hours none shall attend then before the gaoler of such prison or gaol, and every such justice or gaoler is hereby required and authorised to administer the oath upon any such affidavit without fee or reward.

211. All bankrupts shall, and the wives of such bankrupts shall, when so required by the court, make and sign the declaration contained in the Schedule (B.) to this act annexed, but such declaration shall not in any case exempt such bankrupt or bankrupt's wife from being examined upon oath, if the court or any creditor shall so require.

#### *As to Solicitors.*

212. Every solicitor of the High Court of Chancery, now or hereafter admitted as a solicitor of the Court of Bankruptcy, may practise as such solicitor in the said court or in any district court, and as to all matters before the commis-

sioners or in chambers may appear and plead without being required to employ counsel; and in case any person not being such solicitor shall practise in the court as a solicitor he shall be deemed guilty of a contempt of court, and be liable to all the penalties incident thereto.

#### *As to Costs.*

213. Any court acting under this act in all matters before it award such costs as shall seem fit and just ; and all costs so awarded shall be recoverable in the same manner as costs awarded by a rule of any of the superior courts at Westminster may be recovered, and the like remedies may be had, upon an order of such court, for costs, as upon a rule of any of the said superior courts for costs ; but no such order shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until it shall be registered, and, if necessary, re-registered, pursuant to the provisions of the act of the session of Parliament of the 23 & 24 Vict. c. 38, any notice of any such order to any such purchaser, mortgagee, or creditor in anywise notwithstanding.

#### *As to Orders of the Lord Chancellor and of the Court of Appeal in Chancery.*

214. The provisions of the act of the session of Parliament of the 1 & 2 Vict. c. 110, so far as the same relate to orders of the Lord Chancellor, or of the court of review, therein referred to, in matters of bankruptcy, and the powers given by the same act to the Lord Chancellor and the said court of review in matters of bankruptcy, shall extend to and be applicable to orders of the Lord Chancellor and of the Court of Appeal in Chancery sitting in bankruptcy under this act.

#### *As to the Attendance of Witnesses out of the Jurisdiction.*

215. The provisions of an act passed in the 17 & 18 Vict. c. 34, intituled "An Act to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom," shall extend to, and the powers thereof shall be exercised by, the commissioners of the Court of Bankruptcy.

#### *As to the Powers for Mutual Aid of the Courts in England and elsewhere.*

216. The court may direct the examination in Scotland of any person for the time being in Scotland, being a person believed to be capable of giving information in any matter in regard to the acts, estate, or dealings of any bankrupt or petitioner within the provisions of this act, and the order for such examination may be directed in Scotland to the sheriff of the county in which the person to be examined is residing or happens to be for the time ; and such sheriff may, in like manner as in examinations in any matter in bankruptcy before such sheriff, summon such person to appear before him, at a time and place to be specified in the summons, for examination upon oath, as witness or haver, and to produce any books, papers, deeds, or documents called for which may be in his possession or power ; and the sheriff may take such examination either orally or upon written interrogatories, and shall report the same in writing in the usual form to the court, and shall transmit with such report either the original books, papers, deeds, or documents produced, or otherwise such copies thereof or extracts therefrom, authenticated by the sheriff, as he shall think fit or deem necessary ; and in case any person so summoned shall fail to appear at the time and place specified, or appearing shall refuse to be examined or to make the production required, the sheriff shall proceed against such person, as a witness or haver duly cited, and failing to appear or refusing to give evidence, or make production, may be proceeded against by the law of Scotland ; and the sheriff shall be entitled to such and the like fees, and the witness shall be entitled to such and the like allowances, as are allowed to commissioners under appointment from the Court of Session, and as witnesses and havers are entitled to in the like cases according to the law and practice of Scotland. If any objection be stated to the sheriff by the witness, either on the ground of his incompetency as a witness, or as to the production required to be made, or on any other ground whatever, the sheriff may dispose of such objection, or, if he think fit, report such objection to the court,



Ireland, being a person believed to be capable of giving such information in any such matter under this act; and such examination in Ireland may be directed to the Court of Bankruptcy in Ireland, which, for the purpose of such examination, and for the production of books, papers, deeds, or documents, shall have the like powers and authorities in all respects as relate to matters within this act as are in the next preceding section given to sheriffs in Scotland, or as might be exercised by such court in the case of a matter within its own jurisdiction.

218. If any person who shall have been duly adjudged or declared bankrupt or insolvent in India, or any of the foreign dominions, plantations, or colonies of her Majesty, shall be resident or shall be possessed of property in England, Ireland, or Scotland, or in any colony, plantation, or foreign possession of the Crown, it shall be lawful for the assignee, trustee, or other representative of the creditors of such bankrupt or insolvent to apply for and obtain an adjudication of bankruptcy, sequestration, or insolvency against such person in the Court of Bankruptcy in England, and in the proper court in Scotland, Ireland, and such colony, plantation, or foreign possession of the Crown respectively, and by virtue thereof the same order and disposition shall be had and taken with respect to the person and property of the bankrupt or insolvent as would have been if he had been originally adjudged bankrupt or insolvent by the court or tribunal so applied to. Upon such application it shall not be necessary for the assignee, trustee, or other representative of the creditors of the person so declared bankrupt or insolvent as aforesaid to give proof of any act of bankruptcy or petitioning creditor's debt, or to produce any other evidence than a duly certified copy, under the seal of the court, of the order or adjudication by which such person was found or adjudged bankrupt or insolvent.

219. Any order made by the court, or by any court in England acting under this act, in the course of the prosecution of any matter under this act, shall be enforced in Scotland and Ireland in the courts that would respectively have had jurisdiction in respect of such matter if the residence or place of business of the debtor had been situate in Scotland or Ireland, and in the same manner in all respects as if such order had been made by the courts that are hereby required to enforce the same; and, in like manner, orders, interlocutors, and decrees made by any court in Scotland, for or in the course of any bankruptcy or insolvency, shall be enforced in England and Ireland; and orders made by the court in Ireland, for or in the course of any such proceedings, shall be enforced in England and Scotland, by the courts of bankruptcy which would respectively have had jurisdiction in any such matter, and in the same manner in all respects as if such order had been made by the court required to enforce the same in the case of a matter within its own jurisdiction.

220. The court and the district court in London, and the district courts in the country, shall, in like manner, be auxiliary, for all purposes of proof of debt, and for the examination of persons and witnesses upon oath, or for other like purposes, to the courts acting in matters of bankruptcy or insolvency in Scotland and in Ireland, and also to any court acting in such matters in any colony, island, plantation, or place under the dominion of her Majesty, or to any British judge elsewhere so acting.

#### *As to Misdemeanours under this Act.*

221. From and after the commencement of this act any bankrupt who shall do any of the acts or things following, with intent to defraud or defeat the rights of his creditors, shall be guilty of a misdemeanour, and shall be liable, at the discretion of the court before which he shall be convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute:

(1). If he shall not upon the day limited for his surrender, and before three of the clock of such day, or at the hour and upon the day allowed him for finishing his examination, after notice thereof in writing, to be served upon him personally, or left at his usual

residence, surrender, and submit to be examined before such court from time to time:

- (2). If he shall not, upon his examination, fully and truly discover, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned, or transferred any part thereof, except such part as has been really and bona fide before sold or disposed of in the way of his trade or business, if any, or laid out in the ordinary expense of his family, or shall not deliver up to the court, or dispose, as the court directs, of all such part thereof, as is in his possession, custody, or power, except the necessary wearing apparel of himself, his wife, and children; and deliver up to the court all books, papers, and writings in his possession, custody, or power, relating to his property or affairs:
- (3). If he shall, after adjudication, or within sixty days prior to adjudication, with intent to defraud his creditors, remove, conceal, or embezzle any part of his property to the value of 10*l.* or upwards:
- (4). If, in case of any person having, to his knowledge or belief, proved a false debt under his bankruptcy, he shall fail to disclose the same to his assignees within one month after coming to the knowledge or belief thereof:
- (5). If he shall, with intent to defraud, wilfully and fraudulently omit from his schedule any effects or property whatsoever:
- (6). If he shall, after the filing of the petition for adjudication, with intent to conceal the state of his affairs, or to defeat the object of the law of bankruptcy, conceal, prevent, or withhold the production of any book, deed, paper, or writing relating to his property, dealings, or affairs:
- (7). If he shall, after the filing of the petition for adjudication, or within three months next before adjudication, with intent to conceal the state of his affairs, or to defeat the objects of the law of bankruptcy, part with, conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, paper, writing, or security, or document relating to his property, trade, dealings, or affairs, or make, or be privy to the making, of any false or fraudulent entry or statement in or omission from any book, paper, document, or writing relating thereto:
- (8). If, within the like time, he shall, knowing that he is at the time unable to meet his engagements, fraudulently, and with intent to diminish the sum to be divided amongst the general body of his creditors, have made away with, mortgaged, incumbered, or charged any part of his property, of what kind soever, or if after adjudication he shall conceal from the court or his assignee any debt due to or from him:
- (9). If, being a trader, he shall, under his bankruptcy, or at any meeting of his creditors within three months next preceding the filing of the petition for adjudication, have attempted to account for any of his property by fictitious losses or expenses:
- (10). If, being a trader, he shall, within three months next before the filing of the petition for adjudication, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, have obtained on credit from any person any goods or chattels with intent to defraud:
- (11). If, being a trader, he shall, with intent to defraud his creditors, within three months next before the filing of the petition for adjudication, pawn, pledge, or dispose of, otherwise than by bona fide transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit, and remain unpaid for.

222. If it shall at any time appear to any court under this act that the bankrupt has been guilty of any of the offences

in the next preceding section set forth, such court shall have and may exercise such jurisdiction, rights, powers, and privileges for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding in respect of such bankrupt, as are exercised by and vested in her Majesty's justices of the peace in respect of persons against whom a charge or complaint shall have been made before any one or more of the said justices in respect of any felony or indictable misdemeanour committed within the limits of the jurisdiction of such justices or justices; and all the provisions of the act of the session of Parliament of the 11 & 12 Vict. c. 42, shall, with such variations as the nature of the case may require, extend and apply to the court, and to the commissioners of the London and other district courts of bankruptcy, and to the judges of the county courts acting in matters under this act, and their proceedings, as well as to justices of the peace and their proceedings.

223. The court may direct that the creditors' assignee, or, if there be no creditors' assignee, the official assignee, or any of the creditors of the bankrupt, shall act as the prosecutor in respect of such offence, and shall give to such assignee or creditor a certificate of the court having so directed, which certificate shall be deemed sufficient proof of such prosecution having been directed as aforesaid; and upon the production of such certificate, the costs of such prosecution shall be allowed by the court before which any person shall be prosecuted or tried in pursuance of such direction, unless such last-mentioned court shall specially otherwise direct; and when allowed by any such court, such sum so allowed shall be ordered by the said court to be paid and borne, in all respects, in the same manner as the expenses of prosecutions for felonies are now paid and borne, and the same shall be paid and borne accordingly; and any expenses incurred by such prosecutor, other than those so defrayed in accordance with the next following clause, shall be paid out of the account intitled "The Chief Registrar's Account."

224. The court may direct the assignees to lay the papers before the Attorney-General (or the Solicitor-General during a vacancy in the office of Attorney-General) for his direction thereon, either while the bankruptcy is pending before the court, or when it has been brought to a conclusion.

225. In any indictment or information for any misdemeanour under this act it shall be sufficient to set forth the substance of the offence charged, without alleging or setting forth any debt, act of bankruptcy, petition, or adjudication, or any summons, warrant, order, rule, or proceeding of or in any court acting under this act.

#### *Miscellaneous Clauses.*

226. If any person shall wilfully disobey any rule or order of the court duly made for enforcing any of the purposes and provisions of this act, the court may, by warrant in the form contained in the Schedule (F.) to this act annexed, commit the person so offending to the Queen's Prison, or to the common gaol of any county, city, or place where he shall be found, or where he shall usually reside, there to remain, without bail or mainprize, until such court, or the Court of Appeal in Chancery sitting in bankruptcy, shall make order to the contrary.

227. All sums of money forfeited under this act, or by virtue of any conviction for perjury committed in any oath, affirmation, or declaration thereby directed or authorised, may be sued for by the creditors' assignee or trustee, or such other person as the court shall by order direct, in any of her Majesty's superior courts of record.

228. The several provisions contained in the 114th, 115th, 116th, and 117th clauses of the act passed in the 9 & 10 Vict. c. 95, shall apply to all officers of the court, and of the county courts sitting in bankruptcy, who act in execution of warrants and orders of such courts, as if these several clauses had been enacted hereby.

#### *As to the Definition and Explanation of Terms.*

229. The terms and words hereinafter enumerated or explained, wheresoever occurring in this act, shall be understood as hereinafter defined or explained, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such definition or explanation; that is to say—

"Annulling" shall mean also "superseding:"

"Assignee" shall mean the assignee of the estate and

effects of the bankrupt or petitioner, chosen by the creditors; and until such assignee shall be chosen, or where no such assignee shall exist, shall mean the official assignee:

"Bank of England" shall mean also all branches or agents thereof:

"Bankrupt" shall mean any person who shall have been under any former acts, or who shall be by any court under the provisions of this act, adjudicated bankrupt:

"Commissioner," and "Commissioner of the Court of Bankruptcy," shall include the judge of any county court entitled to act in bankruptcy under this act:

"Court," "the court," "the courts," shall mean the court in London, or any county district court, or any county court, acting under this act, according as such several constructions shall be consistent with the context:

"Court of Bankruptcy" shall mean her Majesty's Court of Bankruptcy constituted under this act, and the commissioners thereof;

"Creditor" shall mean also any two or more persons being partners, and incorporated and joint-stock companies:

"Creditors present at any meeting" shall include creditors who are represented by some person duly authorised by any such creditor in writing, and such authority shall not require a stamp:

"Gaoler" shall include the keeper or governor of any gaol or prison:

"Messenger" shall mean also and include his assistant or assistants, duly authorised by him to act as his deputy or deputies, when acting under order of the court:

"Metropolitan district" shall mean and include every parish the distance whereof, as measured by the nearest highway from the General Post Office in London to the parish church of such parish, shall not exceed twenty miles:

"Oath," "affidavit," shall mean and include the declaration or affirmation of any person whom any act of Parliament shall have authorised to make such declaration or affirmation in lieu of an oath:

"Petition for adjudication," or "petition in bankruptcy," shall mean any petition by or against a debtor for adjudication of bankruptcy; and where, in any act of Parliament, instrument, document, or other proceeding granted, executed, or made before the commencement of this act, mention shall have been or shall be made of any fiat in bankruptcy or commission in bankruptcy, such act, instrument, document, or proceeding shall be construed as though such fiat or commission had been a petition in bankruptcy under this act, so far as the circumstances will admit;

"Petitioning creditor" shall mean the creditor who filed the petition for adjudication:

"Property" shall mean and include all the real and personal estate and effects of the petitioner or bankrupt within this realm and abroad (except as herein provided), and all the future estate, right, title, interest, and trust of such petitioner or bankrupt in or to any real or personal estate and effects, within this realm or abroad, which may revert, descend, be devised or bequeathed or come, and all debts due or to be due to him, before he shall have obtained his discharge:

"Prisoner" shall mean any person in actual custody within the walls, rules, or liberties of any prison in England for any debt, damages, costs, sum or sums of money, or for any contempt by reason of non-payment of any sum or sums of money or costs:

"Proper county court" shall mean the county court within the district of which the debtor has resided or carried on business during the six months next immediately preceding the time of filing a petition under this act by or against him, or for the longest period during such six months:

"Sheriff" shall include sheriff substitute:

"Suit" shall include action at law and suit at equity, or other proceeding:

For the purposes of this act all persons shall be deemed traders who prior to the commencement of this act would have been liable to be adjudicated bankrupt under the laws of bankruptcy then in force:

rule or order of court which shall at any time be made under this act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas-day, Good Friday, Monday and Tuesday in Easter week, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusive of that day also.

#### Concluding Clauses.

230. The acts and parts of acts set forth in Schedule (G.) to this act to the extent to which they are therein expressed to be repealed, and all other acts or parts of acts which are inconsistent with this act, are repealed; but such repeal shall not affect any proceeding pending, or any right that has arisen or may arise, or any penalty incurred or that may be incurred, in respect of any transaction, act, matter, or thing done or existing prior to or at the commencement of this act, under or by virtue of any of the acts or parts of acts repealed.

231. This act shall not extend to Scotland or Ireland, unless where otherwise expressly provided.

232. This act shall commence and take effect from and after the passing thereof as to the appointment of the officers hereby authorised to be appointed, and as to all other matters and things from and after the 11th October, 1861, and shall be construed, together with so much of the Bankruptcy-law Consolidation Act, 1849, and the Bankruptcy Act, 1854, as remains unrepealed, as one act, and may be cited for all purposes as "The Bankruptcy Act, 1861."

### SCHEDULES.

#### SCHEDULE (A.)

To the persons filling the under-mentioned offices in the Court of Bankruptcy the following salaries shall be payable:—

The chief registrar . . . . .	£1400
The registrars acting in London, each . . . . .	1900
The registrars acting in the country, each . . . . .	1000
The registrar in attendance upon the chief judge . . . . .	1200
The taxing master . . . . .	1400
The accountant in bankruptcy . . . . .	1500
The registrar of meetings . . . . .	250

The clerks in the several offices of the accountant in bankruptcy, the chief registrar, the taxing master, the ushers of the court, the clerk and train-bearer, ushers and assistant ushers of the Lords Justices of the Court of Appeal in bankruptcy, shall continue to receive the same salaries, and out of the same funds, as if this act had not been passed.

#### SCHEDULE (B.)

##### Document.

##### Stamp Duty in lieu of Fees.

Every petition presented to a court of bankruptcy for adjudication of bankruptcy, or for arrangement between any debtor and his creditors . . . . .	£5 0 0
Every such petition, when presented to the London court, or to a county court, by traders whose debts do not exceed 300 <i>l</i> . . . . .	1 0 0
Every order of discharge . . . . .	1 0 0
Every declaration of insolvency . . . . .	0 2 6
Every registration of trust deeds . . . . .	0 10 0
Every summons of judgment debtor or debtor . . . . .	0 2 6
Every admission of such debtor . . . . .	0 2 6
Every deposition of good defence . . . . .	0 2 6
Every bond with sureties . . . . .	0 5 0
Every application for search for petition or other proceeding . . . . .	0 1 0

under this act . . . . .	£0 5 0
Every allocatur by any officer of the court for any costs, charges, or disbursements, where such bill of costs shall not exceed 5 <i>l</i> . . . . .	0 1 6
Exceeding £5 and not exceeding £10 . . . . .	0 2 6
" 10 . . . . .	0 5 0
" 20 . . . . .	0 7 6
" 30 . . . . .	0 10 0
" 50 . . . . .	0 15 0
" 100 . . . . .	1 0 0
" 150 . . . . .	1 10 0
" 300 . . . . .	2 0 0
" 500 . . . . .	3 0 0
" 500 . . . . .	5 0 0

#### SCHEDULE (C.)

##### Bankruptcy Act, 1861.

##### (In Bankruptcy).

Warrant of Committal of Bankrupt or other Party for unsatisfactorily answering, or for refusing to sign his Examination.

##### Court of Bankruptcy.

— { Whereas E. F., the said — [or G. H., of —, in the county of —], was, on the — day of —, duly sworn and examined in this court; and the said — was again, on the — day of —, duly sworn and examined in this court, as by the examination and deposition of the said — now on the file of proceedings in this matter will appear :

And whereas the answers of the said —, as now so appearing in said examination and deposition, are unsatisfactory [or the said — refused to sign and subscribe his said examination and deposition] :

These are therefore to authorize and require you, immediately upon the receipt hereof, to take into your custody the said —, and him safely convey to her Majesty's prison of —, and him there to deliver to the governor of the said prison, who is hereby authorised and required to receive the said — into his custody there, and him safely keep and detain, without bail, until this court, or the Court of Appeal in Chancery sitting in bankruptcy, shall make an order to the contrary; and for so doing this shall be your sufficient warrant.

Given under the seal of the court this — day of —, 18—.

J. K., Judge.

To — and to —, governor of the said prison, or his deputy there.

#### SCHEDULE (D.)

This deed, made the — day of —, between A. B. [the debtor], and C. D. and E. F. [the trustees], on behalf and with the assent of the undersigned creditors of A. B., witnesseth that A. B. hereby conveys all his estate and effects to C. D. and E. F. absolutely, to be applied and administered for the benefit of the creditors of A. B., in like manner as if A. B. had been, at the date hereof, duly adjudged bankrupt. In witness, &c.

(Schedule of creditors).

#### SCHEDULE (E.)

##### The Bankruptcy Act, 1861.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I, A. B., the person declared a bankrupt under a petition for adjudication of bankruptcy filed on the — day of —, in the year of our Lord —; [or I, C. D., the wife of A. B., declared a bankrupt under a petition for adjudication of bankruptcy filed on the — day of —], do solemnly promise and declare that I will make true answer to all such questions as may be proposed to me respecting all the property of the said A. B., and all dealings and transactions relating thereto, and will make a full and true disclosure of

all that has been done with the said property, to the best of my knowledge, information, and belief.

(Signed) A. B.,  
[or C. D., the wife of the said A. B.]

#### SCHEDULE (F.)

##### *The Bankruptcy Act, 1861.*

Warrant against any Person disobeying any Rule or Order of Court.

Whereas by a rule [or an order] of this court, bearing date the — day of —, made for enforcing the purposes and provisions of the Bankruptcy Act, 1861, [or if of any other act hereafter in force relating to the subject-matters of this act, or made or entered into by consent for carrying into effect any of such purposes or provisions, alter the recital accordingly], it was ordered, that [&c. &c., as in the rule or order]:

And whereas it is now proved that after the making of the said rule [or order], that is to say, on this — day of —, a copy of the said rule [or order] was duly served on the said — personally, and the original rule [or order] at the same time shewn to him, but the said — then refused [or neglected] to obey the same, and hath not as yet obeyed the said rule [or order]:

These are therefore to will, require, and authorise you, immediately upon receipt hereof, to take into your custody the body of the said A. B., and him safely to convey to her Majesty's gaol [or prison] of — [or called —], and him there to deliver to the keeper of the said prison, together with this precept; and the keeper of the said prison is hereby required and authorised to receive the said A. B. into his custody, and him safely to keep and detain, without bail or mainprise, until this court, or the Court of Appeal in Chancery sitting in bankruptcy, shall make order to the contrary; and for so doing this shall be your sufficient warrant.

Given under my hand and the seal of the court at the Court of Bankruptcy, London, this — day of —, in the year of our Lord 18 —.

A. B., (L.S.)  
Judge.

To — or his assistant, and to the keeper of her Majesty's prison [or gaol] of — [or called —], or his deputy there.

#### SCHEDULE (G.)

##### *Acts and Parts of Acts repealed.*

1 & 2 Vict. c. 110.—An act for abolishing arrest on mesne process in civil actions, except in certain cases, for extending the remedies of creditors against the property of debtors, and for amending the laws for the relief of insolvent debtors in England.—*The whole repealed, except sects. 1 to 22, both inclusive.*

5 & 6 Vict. c. 116.—An act for the relief of insolvent debtors.—*The whole repealed.*

7 & 8 Vict. c. 96.—An act to amend the laws of bankruptcy, insolvency, and execution.—*Sects. 1 to 44, both inclusive, and sects. 49 to 53, both inclusive, repealed.*

10 & 11 Vict. c. 102.—An act to abolish the court of review in bankruptcy, and to make alterations in the jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors.—*The whole repealed, except sect. 4.*

12 & 13 Vict. c. 106.—An act to amend and consolidate the laws relating to bankrupts.—*Sects. 7, 8, 10, 14, 15, 16, 18, 20, 25, 26, 28, 36, 37, 39, 44, 45, 46, 48, 52, 54, 58, 59, 60, 61, 62, 69, 70, 72, 73, 75, 90, 91, 92, 93, 94, 96, 160, 183, 185, 187, 188, 189, 193, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 211 to 231, both inclusive, sects. 237, 239, 243, 244, 245, 246, 247, 249, 251, 253, 253, 255, 256, 257, 258, 259, 261, 266, 270, 271, 276, and 278, and such other parts of the said act as may be inconsistent with this present act, repealed.*

15 & 16 Vict. c. 77.—An act to abolish the office of Lord Chancellor's chief secretary of bankrupts, and to regulate the office of chief registrar of the Court of Bankruptcy.—*Sect. 10 repealed.*

17 & 18 Vict. c. 119.—An act for regulating appointments to offices in the Court of Bankruptcy, and for amending the laws relating to bankrupts.—*Sects. 3, 11, 12, 13, 14, 15, 20, 21, 22, 25, 26, and 27, repealed.*

#### SCHEDULE (H.)

##### *Medical Certificate.*

I, the undersigned —, being a [set forth the qualification entitling the person certifying to practise as a physician, surgeon, or apothecary, ex. g., Fellow of the Royal College of Physicians in London, Licentiate of the Apothecaries Company, or as the case may be], and being in actual practice as a [physician, surgeon, or apothecary, as the case may be], hereby certify, that I, on the — day of —, at the gaol of —, at —, in the county of —, separately from any other medical practitioner, personally examined —, a prisoner for debt in the said gaol, and that the said — is a [lunatic, or an idiot, or a person of unsound mind], and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating insanity observed by myself [here state the facts.]

2. Other facts (if any) indicating insanity, communicated to me by others [here state the information, and from whom.]

(Signed) [Name.]  
[Place of abode.]

Dated this — day of —, 18 —.

# PERSONAL ACTS,

BE JUDICIALLY NOTICED.

—  
SESSION 1861.  
—

## CAP. xi.

to enable the Dublin, Wicklow, and Wexford Railway Company to make a Deviation in their authorised Railway; for other Purposes. —

## CAP. xii.

to enable the South-eastern Railway Company to further Sum of Money, and to increase their Subsidy to the Undertaking of the Charing-cross Railway. —

## CAP. xiii.

to authorise the Shrewsbury and Welchpool Railway Company to widen their Minsterley Branch; and for other Purposes. —

## CAP. xiv.

to enable the Corporation of the City of Bristol to purchase the Downham Down, and to secure Durdham Down as Places for Public Recreation. —

## CAP. xv.

to enable the Exeter and Exmouth Railway Company to raise further Capital; to raise further Capital; and to be connected with their Undertaking. —

## CAP. xvi.

to enable the making of a Railway in Scotland, to be the Great Northern Railway. —

## CAP. xvii.

to enable the Great Northern Railway Company to purchase the Great Northern Railway to Llanfyllin, and for other Purposes. —

## CAP. xviii.

to enable the Great Northern Railway Company to purchase the Great Northern Railway from their Harbour of Burghead; to be connected with their Undertaking. —

## CAP. xix.

to enable the Great Northern Railway Company to purchase the Great Northern Railway from their Harbour of Burghead; to be connected with their Undertaking. —

to enable the Great Northern Railway Company to purchase the Great Northern Railway from their Harbour of Burghead; to be connected with their Undertaking. —

CAP. xxi.

An Act to enable the Borough of Portsmouth Waterworks Company to raise further Money; and for other Purposes.

CAP. xxii.

An Act to enable the Witney Railway Company to make a Road to their Station at Witney; and for other Purposes.

CAP. xxiii.

An Act to enable the Mayor, Aldermen, and Burgesses of South Shields to maintain a Quay there; and for other Purposes.

CAP. xxiv.

An Act for incorporating the Clitheroe Gas-light Company; for the Regulation of their Capital; and for other Purposes.

CAP. xxv.

An Act to repeal "An Act for more effectually amending the Road from Oldham, in the County of Lancaster, to Ripponden, in the County of York, and other Roads in the same Counties, and for making and maintaining a new Branch to communicate therewith;" and to make other Provisions in lieu thereof, so far as regards the said Road from Oldham to Ripponden, and the other Roads already made in connexion therewith.

CAP. xxvi.

An Act to repeal the Act of the 7 Geo. 3, c. 3, and to make better Provision for the managing of certain Lands in the County of Westmoreland called "Kendal Fell Lands."

CAP. xxvii.

An Act for extending the Term and amending the Provisions of the Act relating to the Kingston-upon-Thames and Leatherhead Turnpike Road, in the County of Surrey.

CAP. xxviii.

An Act to empower the Bradford, Wakefield, and Leeds Railway Company to construct a Railway from Ossett to join the London and North-western Railway at or near Batley, all in the West Riding of the County of York; and for other Purposes.

CAP. xxix.

An Act to divert certain Portions of the Railway from Kilrush to Kilkee, and to deepen and improve the Creek or Harbour of Kilrush.

CAP. xxx.

An Act to enable the Morayshire Railway Company to extend their Railway to the Strathspey Railway; and for other Purposes.

CAP. xxxi.

An Act for authorising the Stratford-upon-Avon Railway Company to raise additional Capital; and for other Purposes.

CAP. xxxii.

An Act for making a Railway from Wrexham to Minera; and for other Purposes.

CAP. xxxiii.

An Act to amend the Dewsbury, Batley, and Heckmond-wike Waterworks Act, 1856; and to authorise the Construction of new Works; and for other Purposes.

CAP. xxxiv.

An Act to enable the Lancashire and Yorkshire Railway Company to make a Railway from Aintree to Bootle, with certain Branch Railways, all in Lancashire; and for other Purposes relating to the same Company.

CAP. xxxv.

An Act to authorise the Construction of a Railway between Garston and Liverpool; and for other Purposes.

CAP. xxxvi.

An Act to define and increase the Capital of the Great Western Railway Company; and for other Purposes.

CAP. xxxvii.

An Act to enable the Lancashire and Yorkshire Railway Company to raise a further Sum of Money; and for other Purposes.

CAP. xxxviii.

An Act to continue the existing Borrowing Power of Price's Patent Candle Company, Limited.

CAP. xxxix.

An Act for lighting with Gas the Town and Neighbourhood of Haslingden, in Lancashire.

CAP. xl.

An Act to amend an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act for incorporating the North of Scotland Fire and Life Insurance Company, under the Name of 'The Northern Insurance Company;' for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto;" and to vary, extend, and enlarge certain of the Powers of the said Company; and for other Purposes relating to the said Company.

CAP. xli.

An Act for better lighting with Gas the Borough of Swansea, and the Neighbourhood thereof.

CAP. xlii.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to make new and widen existing Streets within the Borough; and for other Purposes.

CAP. xliii.

An Act to amend and extend the Acts relating to the New-castle-under-Lyme Marsh Lands; to incorporate the Trustees under the said Acts; and for other Purposes.

CAP. xliv.

An Act for making a Railway from the London and North-western Railway at Nantwich, in the County of Chester, to Market Drayton, in the County of Salop.

CAP. xlv.

An Act for better supplying with Water the Borough of Neath and the adjacent District, in the County of Glamorgan.

CAP. xlvi.

An Act for authorising the Dartmouth and Torbay Railway Company to raise further Monies; and for other Purposes.

CAP. xlvii.

An Act to incorporate the Northampton Waterworks Company; to enable them to better supply the Town of Northampton and the several Townships and Places adjacent thereto with Water; and for other Purposes.

Weston Lullingfield, and Stanwardine-in-the-Fields, and of certain other Lands adjoining or near thereto, all situate in the County of Salop.

CAP. xlix.

An Act to authorise the Mayor, Aldermen, and Burgesses of Kilkenny to make a General Market in the City of Kilkenny; and for other Purposes.

CAP. l.

An Act to enable the Lancashire and Yorkshire Railway Company to construct Branch Railways to Dewsbury, Heckmondwike, and Meltham; to purchase additional Lands at Rochdale and Miles Platting; and for other Purposes.

CAP. li.

An Act for making a Railway from the Taff Vale Railway, in the Parish of Lantwit Vardre, in the County of Glamorgan, to Llantrissant, in the same County, with Branches therefrom, to be called "The Llantrissant and Taff Vale Junction Railway;" and for other Purposes.

CAP. lii.

An Act to abolish and dismarket Newgate Market, in the City of London, and to facilitate the Removal of Shambles and Slaughter-houses, and other Nuisances and Obstructions in the Vicinity of the said Market; and to authorise the Erection of Dwelling-houses, or Shops, or other Buildings on the Site thereof; and for other Purposes.

CAP. liii.

An Act to incorporate a Company for supplying Gas to Uxbridge, and certain Places in the Neighbourhood of the same.

CAP. liv.

An Act for enabling the West Cornwall Railway Company to create Debenture Stock; and for other Purposes.

CAP. lv.

An Act for better supplying with Water Sandown, Lake, Shanklin, Brading, Newchurch, Ryde, and other Places in the Parishes of Brading, Shanklin, and Newchurch, and the several Parishes and Places adjacent thereto, in the Isle of Wight and County of Southampton; and for other Purposes.

CAP. lvi.

An Act for dissolving and re-incorporating the Huddersfield Registered Gas-light Company, and for conferring upon them further Powers for the Supply of Gas to the Borough of Huddersfield, and certain neighbouring Townships and Places.

CAP. lvii.

An Act to enable the Midland Railway Company to make new Railways; and for other Purposes.

CAP. lviii.

An Act to enable the Ryde Commissioners to better supply with Water the Town of Ryde, and the Places adjacent thereto, in the Isle of Wight; and for other Purposes.

CAP. lix.

An Act for maintaining certain Roads and Bridges in the County of the Borough and Town of Berwick-upon-Tweed, and Counties of Northumberland and Berwick, and for the Liquidation of the Debt due on the Security of the Tolls taken on the said Roads and Bridges.

CAP. lxi.

An Act for incorporating the Universal Private Telegraph Company, and to enable the said Company to work certain Letters-patent.

CAP. lxii.

An Act to enable the Whitehaven, Cleator, and Egremont Railway Company to extend their Railway from Frizington to Lamplugh, in the County of Cumberland; to widen and enlarge their present Railway and Works; to raise further Capital; and for other Purposes.

CAP. lxiii.

An Act for authorising the Stockton and Darlington Railway Company to make and maintain a new Branch Railway, and to abandon the making of one of their authorised Branch Railways; and for other Purposes.

CAP. lxiv.

An Act to authorise the entire Abandonment of the Bangor Branch of the Belfast and County Down Railway.

CAP. lxv.

An Act to enable the Mid-Wales Railway Company to make a Deviation in their authorised Railway; and for other Purposes.

CAP. lxvi.

An Act for the Enlargement and Regulation of the Manchester London Road Station; and for other Purposes.

CAP. lxvii.

An Act to enable the Great Northern and Western (of Ireland) Railway Company to extend their Railway to Westport; and for other Purposes.

CAP. lxviii.

An Act for supplying with Gas the Township of Elland-cum-Greetland, and adjacent Places in the Parish of Halifax, in the West Riding of the County of York; and for other Purposes.

CAP. lxix.

An Act to enable the Portadown, Dungannon, and Omagh Junction Railway Company to make a Branch Railway to Aughnacloy, in the County of Tyrone; to amend the Acts relating to the Railway; and for other Purposes.

CAP. lxx.

An Act to vest in the Great Northern Railway Company the Hertford, Luton, and Dunstable Railway; and for other Purposes relating to the same Company.

CAP. lxxi.

An Act to authorise the Construction of Bridges over Highways and Arches under a Turnpike-road and Highways in the Parishes of Wolstanton and Audley, in the County of Stafford; and for other Purposes.

CAP. lxxii.

An Act to authorise the making of a Railway from the Stockton and Darlington Railway at or near the Frosterly Station to Newlandside, near Stanhope, with a Road Approach from Stanhope, all in the County of Durham; and for authorising Working Arrangements with the Stockton and Darlington Railway Company; and for other Purposes.



CAP. lxxiii.

An Act for making a Railway from Uxbridge, in the County of Middlesex, to Rickmansworth, in the County of Hertford, with a Branch to Scott's Bridge Mill, to be called "The Uxbridge and Rickmansworth Railway;" and for other Purposes.

CAP. lxxiv.

An Act for enabling the Company of Proprietors of the Birmingham Canal Navigations to raise further Money; and for other Purposes.

CAP. lxxv.

An Act for the Manchester and Wilmslow Turnpike-roads, in the Counties Palatine of Lancaster and Chester.

CAP. lxxvi.

An Act for making and maintaining of the Henley-in-Arden Railway; and for other Purposes.

CAP. lxxvii.

An Act to enable the Local Board of Health for the Township of Darlington to supply Gas and Water in the adjoining Townships of Cockerton, Blackwell, Wheasoe, and Haughton-le-Skerne; to enlarge Market Place, erect a covered Market, make and improve Roads; to vest in the Local Board all the Powers of the Burial Board; to raise additional Money; to levy and alter Tolls and Rates; and amend Acts relating to the Local Board; and for other Purposes.

CAP. lxxviii.

An Act to make further Provision for the Draining, Warping, and Improvement of Thorne Moor, in the West Riding of Yorkshire.

CAP. lxxix.

An Act for authorising the Dock Company at Kingston-upon-Hull to make and maintain an additional Dock at Kingston-upon-Hull (to be called "The Western Dock"), and a Railway to connect the same with the Hull and Selby Railway; to alter a Part of the Line of the Hull and Selby Railway, and to construct other Works at Kingston-upon-Hull; for amending the Acts relating to the Company; for granting more effectual Powers for the Regulation and Management of their Docks; and for other Purposes.

CAP. lxxx.

An Act for incorporating the Sowerby Bridge Gas Company; for enabling the Company to raise further Capital; for better supplying Sowerby Bridge and the Neighbourhood thereof with Gas; and for authorising the Sale of the Undertaking of that Company, and also of the Rights and Powers of the Sowerby Bridge Gas Consumers Company, Limited; and for other Purposes.

CAP. lxxxi.

An Act to grant further Powers to the Victoria Station and Pimlico Railway Company with reference to their Share and Loan Capital; and to sanction certain Agreements with the Great Western and London, Chatham, and Dover Railway Companies; and for other Purposes.

CAP. lxxxii.

An Act to authorise the Construction of a Bridge across the River Clwyd, to be called "The Rhyll Bridge."

CAP. lxxxiii.

An Act to enable the Right Hon. William Earl of Lonsdale to make and maintain a Dock or Tidal Basin at Workington, in the County of Cumberland, and a Railway therefrom to join the Whitehaven Junction Railway; and for other Purposes.

CAP. lxxxiv.

An Act to enable the Edinburgh and Glasgow Railway Company to raise additional Capital.

CAP. lxxxv.

An Act for incorporating the Scottish Widows Fund and Life Insurance Society; and for other Purposes relating thereto.

CAP. lxxxvi.

An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to make new Railways in the Counties of Derby and Lincoln; to improve their Station at Ardwick; and for other Purposes.

CAP. lxxxvii.

An Act to authorise the Wycombe Railway Company to extend their Railway to Aylesbury and to Oxford; and for other Purposes.

CAP. lxxxviii.

An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled "An Act for repairing the Road leading from Baland to the Town of Leeds, in the West Riding of the County of York," and granting more effectual Powers in lieu thereof.

CAP. lxxxix.

An Act for making a Railway from Banbridge to Ballyronney, with a Branch Railway therefrom to Rathfriland, to be called "The Banbridge Extension Railway;" and for other Purposes.

CAP. xc.

An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works authorised by the Llanidloes and Newtown Railway (Canal Extension) Act, 1859; and to authorise the Llanidloes and Newtown Railway Company to raise additional Capital; and for other Purposes.

CAP. xci.

An Act to amend the Acts relating to the River Tyne, and to enable the Tyne Improvement Commissioners to construct Docks and other Works, and to remove and rebuild the Bridge of Newcastle-upon-Tyne; to make certain Alterations in the Rates charged by the Commissioners; and for other Purposes.

CAP. xcii.

An Act to empower Bonelli's Electric Telegraph Company, Limited, to acquire and work Letters-patent relating to Electric Telegraphs; and for other Purposes.

CAP. xciii.

An Act for authorising the Charing-cross Railway Company to make a Line of Railway from their authorised Line into the City of London, with an additional Line in Southwark, and to raise further Monies; and for other Purposes.

CAP. xciv.

An Act to extend the Limits of the Dewsbury and Batley Gas Company to Part of the Township of Thornhill; to authorise the said Company to raise more Money; to amend their Act; and for other Purposes.

CAP. xcvi.

An Act for the Incorporation of the Burton-upon-Trent Waterworks Company, and for authorising them to supply with Water the Town of Burton-upon-Trent and the Township of Barton-under-Needwood, and the Neighbourhoods thereof; and for other Purposes.

CAP. xvii.

An Act for incorporating the Whitworth Vale Gas Company, Limited, and extending their Powers; and for other Purposes.

CAP. xviii.

An Act to enable the Blyth and Tyne Railway Company to make a Railway from their Main Line of Railway to Newcastle-upon-Tyne, and certain Branch Railways, in the County of Northumberland; to grant further Powers to the Company; to amend the Acts relating to the Company; and for other Purposes.

CAP. xci.

An Act to enable the Limerick and Foynes Railway Company to raise further Sums.

CAP. c.

An Act for paving, draining, cleansing, lighting, and otherwise improving the District comprised within the Boundaries of the Township of Middleton, in the Parish of Middleton, and the Township of Tongue, in the Parish of Prestwich-cum-Oldham, both in the County of Lancaster; and for other Purposes.

CAP. ci.

An Act to enable the Lancashire and Yorkshire Railway Company to make a Railway between Salford and the Victoria Station at Manchester; and for other Purposes relating to the same Company.

CAP. cii.

An Act for making a Railway from the Hawick Line of the North British Railway near Galashiels to Peebles; and for other Purposes.

CAP. ciii.

An Act for making Railways from the Oswestry and Newtown Railway, near Montgomery, to Bishops Castle and other Places, in the County of Salop.

CAP. civ.

An Act to enable the Burial Board of the Parish of Liverpool to acquire certain Lands at Walton-on-the-Hill, in Lancashire.

CAP. cv.

An Act to enable the Kingstown Waterworks Company to abandon a Portion of their authorised Works, and to construct and maintain other Works; and for other Purposes.

CAP. cvi.

An Act for enabling the Midland Railway Company to construct Works, and to acquire additional Lands in the Counties of Derby, Lancaster, Nottingham, Warwick, and Gloucester, and the West Riding of the County of York; for vesting in them the Undertaking of the Duralley and Midland Junction Railway Company; and for other Purposes.

CAP. cvii.

An Act to authorise the Cork and Youghal Railway Company to extend their Railway in Youghal; and to amend the Acts relating to the Company.

CAP. cviii.

An Act for incorporating the East India Irrigation and Canal Company; and for other Purposes connected therewith.

CAP. cx.

An Act for enabling the London and North-western Railway Company to construct new Railways from near Stockport to Northenden Road, near Cheadle, and from Chelford to Knutsford, with Branches therefrom respectively; and for other Purposes.

CAP. cxl.

An Act for making Railways between the London and South-western Railway at Alton, Alresford, and the Railway of the London and South-western Railway Company near to Winchester; and for other Purposes.

CAP. cxli.

An Act for erecting a Suspension Bridge from Clifton, in the City and County of Bristol, to the Parish of Long Ashton, in the County of Somerset.

CAP. cxlii.

An Act for authorising the Cheshire Midland Railway Company to make a Deviation of their authorised Line of Railway; and for authorising Working and other Arrangements between them and the Manchester, Sheffield, and Lincolnshire Railway Company; and for other Purposes.

CAP. cxiv.

An Act to provide for the leasing of the Peebles Railway to the North British Railway Company.

CAP. cxv.

An Act for the building of a new Church in the Township of Shireoaks, in the Parish of Worksop, in the County of Nottingham; and for other Purposes.

CAP. cxvi.

An Act for granting further Powers to the Weston-super-Mare Gas-light Company, and for extending their Limits for supplying Gas.

CAP. cxvii.

An Act to incorporate a Company for making a new Bridge from Lambeth to Westminster.

CAP. cxviii.

An Act for transferring from the Grand Jury of the County of Dublin to the Commissioners of Kingstown the Management of the Roads and Bridges in the said Town, and for better improving the same.

CAP. cxix.

An Act for making and maintaining a Railway from Wivenhoe to Brightlingsea, both in the County of Essex; and for other Purposes.

CAP. cxx.

An Act for making a Railway from the London, Brighton, and South-coast Railway, in the Parish of Eastergate, in the County of Sussex, to Bognor; and for other Purposes.

CAP. cxxi.

An Act to increase the Capital and amend the Powers of the Portsea Island Gas-light Company.

CAP. cxxii.

An Act for making a Railway from the Ulster Railway near Lisburn to the Belfast and Northern Counties Railway at Antrim, to be called "The Dublin and Antrim Junction Railway;" and for other Purposes.

CAP. cxxiii.

An Act for enabling the London and North-western Railway Company to acquire additional Lands in connexion with their Chester and Holyhead Railway; for renewing certain Powers as to Steam-boats; and for other Purposes.

CAP. cxxiv.

An Act to empower the Penarth Harbour, Dock, and Railway Company to raise a further Sum of Money; to make a Road between their Harbour and Cardiff; and for other Purposes.

CAP. cxxv.

\* An Act for authorising the Abandonment of the Thames Haven Dock and the Dissolution of the Company; and for other Purposes.

CAP. cxxvi.

An Act for altering the Constitution of the Westminster Improvement Commission; for the compulsory Purchase of Lands and the Completion of the Improvements; for facilitating the Sale, Exchange, and Lease of Lands discharged from Incumbrances; and for winding up the Affairs of the Commission; borrowing Power; and for other Purposes.

CAP. cxxvii.

An Act to enable the Sittingbourne and Sheerness Railway Company to raise additional Capital; to alter, amend, and repeal some of the Provisions of the Acts relating to the Company; and for other Purposes.

CAP. cxxviii.

An Act for enabling the London and North-western Railway Company to construct Railways from Edgchill to near Bootle, from Winwick to Golborne, and from Aston to Ditton, with a Branch to Runcorn; to enlarge their Lime-street and Wapping Stations at Liverpool; and for other Purposes.

CAP. cxxix.

An Act to authorise the Construction of a Railway in Ireland, to be called "The Downpatrick and Newry Railway."

CAP. cxxx.

An Act for enabling the London and North-western Railway Company to construct Railways from Eccles through Tyldesley to Wigan, with a Branch to Bedford and Leigh; and for other Purposes.

CAP. cxxxi.

An Act to authorise the Fife and Kinross Railway Company to raise additional Capital.

CAP. cxxxii.

An Act to empower the North London Railway Company to widen a Portion of their Railway; and for other Purposes.

CAP. cxxxiii.

An Act to authorise the Metropolitan Railway Company to make certain Improvements in their Communication with the Great Northern Railway and the Metropolitan Meat Market at Smithfield; to authorise the Purchase of additional Lands for Purposes connected with that Railway; to authorise Arrangements with the Corporation of London, and with certain Railway Companies; for amending the Acts relating to the Company; and for other Purposes.

CAP. cxxxiv.

An Act for vesting the Birkenhead Railway in the London and North-western Railway Company and the Great Western Railway Company; and for other Purposes.

CAP. cxxxv.

An Act to enable the North-eastern Railway Company to construct a Branch Railway between the North Yorkshire and Cleveland Railway at Castleton and the Whitby and Pickering Railway; to make a Deviation in and abandon Part of the last-mentioned Railway; to acquire additional Lands; and for other Purposes.

CAP. cxxxvi.

An Act to authorise the South Staffordshire Railway Company to raise additional Capital; and for other Purposes.

CAP. cxxxvii.

An Act for more effectually supplying Water to several Towns and Places in Essex by a Company to be called "The South Essex Waterworks Company."

CAP. cxxxviii.

An Act for making a Railway from the Londonderry and Enniskillen Railway, in the County of Tyrone, to the Town of Bundoran, in the County of Donegal; and for other Purposes.

CAP. cxxxix.

An Act to enable the Midland Railway Company to make Railways from the Leeds and Bradford Line of their Railway to Otley and Ilkley, in the West Riding of the County of York; and for other Purposes.

CAP. cxi.

An Act to provide for the future Election of Commissioners, to confirm certain Acts of the present Commissioners, and to consolidate in one Act the various Provisions for the Management and Regulation of the Port and Harbour of New Ross, in the Counties of Wexford and Kilkenny.

CAP. cxli.

An Act to enable the North-eastern Railway Company to construct Branch Railways between Arthington, Otley, and Ilkley; and for other Purposes.

CAP. cxlii.

An Act to authorise the Construction of a Railway from the Great Southern and Western Railway near Parsonstown to Portumna Bridge, on the River Shannon; and for other Purposes.

CAP. cxliii.

An Act for incorporating the West Cheshire Railway Company, and for authorising them to make and maintain Railways from Northwich to Helsby; and for other Purposes.

CAP. cxliv.

An Act for reviving the Powers of the Rhymney Railway Company with respect to their Bargued Rhymney Branch Railway, and for authorising them to raise further Monies; and for other Purposes.

CAP. cxlv.

An Act to incorporate the City of Glasgow Life Insurance Company; and for other Purposes.

CAP. cxlvi.

An Act to enable the Staffordshire Potteries Waterworks Company to extend their Works, and to raise additional Capital; and to amend the Act relating to the said Company.

other Purposes.

CAP. cxlviii.

An Act to enable the Great Southern and Western Railway Company to raise further Sums; and to amend the Provisions of the Acts of that Company with respect to the Transfer of Stock; and to enable them to acquire certain Shares in the Undertaking of the Limerick and Castle Connell Railway Company, now held by the Midland Great Western Railway of Ireland Company, and to purchase additional Lands; and for other Purposes.

CAP. cxlix.

An Act for the better Drainage of the Greetwell District, in the County of Lincoln.

CAP. cl.

An Act to enable the Manchester and Milford Railway Company to construct a Branch Railway from the Devil's Bridge to Aberystwith; and for other Purposes.

CAP. cli.

An Act for extending the Limits within which the Grand Junction Waterworks Company may supply Water; and for other Purposes.

CAP. clii.

An Act to confer additional Powers upon the Wolverhampton New Waterworks Company; and for other Purposes.

CAP. cliii.

An Act to enable the Great North of Scotland Railway Company to enlarge their Stations at Kittybrewster and at Aberdeen, and to alter the Line and Levels of their Dock Branch.

CAP. cliv.

An Act for incorporating the Fylde Waterworks Company; and for authorising them to make and maintain Waterworks, and to supply Water at Kirkham, Lytham, Blackpool, Fleetwood, Poulton, Rossall, Garstang, Southshore, and Bispham, in the County Palatine of Lancaster, and to Shipping at Fleetwood and Lytham.

CAP. clv.

An Act to make better Provision for supplying with Water the Town and Township of Blackburn, and the Townships of Lower Darwen, Livesey, Witton, Oswaldtwistle, and Little Harwood; and for other Purposes.

CAP. clvi.

An Act to authorise the Construction in Lincolnshire of a Railway from the River Trent, across the River Ancholme, to the Manchester, Sheffield, and Lincolnshire Railway.

CAP. clvii.

An Act for enabling the Stockton and Darlington Railway Company to raise additional Capital; and for other Purposes.

CAP. clviii.

An Act for the Amalgamation of the Leven and East of Fife Railway Companies.

CAP. clix.

An Act to enable the Leven and East of Fife Railway Companies to extend the East of Fife Railway to Anstruther.

CAP. clxi.

An Act to enable the Londonderry and Lough Swilly Railway Company to extend their Railway to Buntrana, in the County of Donegal.

CAP. clxii.

An Act to authorise the Swansea Vale Railway Company to make certain new Railways; and for other Purposes.

CAP. clxiii.

An Act to enable the Dumfries, Lochmaben, and Lockerby Junction Railway Company to divert their authorised Line of Railway; and for other Purposes.

CAP. clxiv.

An Act for making a Railway from the Great Western Railway to Hammersmith, to be called "The Hammersmith and City Railway;" and for other Purposes.

CAP. clxv.

An Act to authorise the Construction of a Railway in the West Riding of Yorkshire, to be called "The Barnsley Coal Railway."

CAP. clxvi.

An Act for the Enlargement, Regulation, and Management of "The Citadel Station" at Carlisle, situate at the Junction of the Lancaster and Carlisle and the Caledonian Railways; and for other Purposes.

CAP. clxvii.

An Act to authorise the Construction of a Railway from the Berks and Hants Extension Railway to Marlborough, in Wiltshire.

CAP. clxviii.

An Act for making a Railway from the Limerick and Foynes Railway to the Town of Newcastle, in the County of Limerick, to be called "The Rathkeale and Newcastle Junction Railway;" and for other Purposes.

CAP. clxix.

An Act for the Extension of the South Yorkshire Railway across the Trent, near Keadby, in Lincolnshire, and for granting further Powers to the South Yorkshire Railway and River Dun Company.

CAP. clxx.

An Act for better supplying with Gas the Borough of Wigan and other Places adjacent thereto, in the County Palatine of Lancaster.

CAP. clxxi.

An Act to grant further Powers to the Waveney Valley Railway Company as to their Capital.

CAP. clxxii.

An Act to enable the Lord Mayor, Aldermen, and Burgesses of Dublin to construct additional Waterworks; and for other Purposes.

CAP. clxxiii.

An Act for the further Improvement of the Borough of Bolton; and for other Purposes.

## CAP. cxxxiv.

An Act for making a Railway from the London, Brighton, and South-coast Railway at Uckfield, in the County of Sussex, to Tunbridge Wells, in the County of Kent; and for other Purposes.

## CAP. cxxxv.

An Act for incorporating the Stockport, Timperley, and Altrincham Railway Company, and for authorising them to make and maintain the Stockport, Timperley, and Altrincham Railway; and for other Purposes.

## CAP. cxxxvi.

An Act for altering and amending the Constitution of the Burgh of Hawick; extending the Boundaries thereof; maintaining an efficient System of Police therein; improving the said Burgh; and for other Purposes.

## CAP. cxxxvii.

An Act to enable the Kinross-shire Railway Company to make certain Branch Railways; and for other Purposes.

## CAP. cxxxviii.

An Act to authorise the Construction of a Railway from the Eastern Counties Railway to Saffron Walden, in Essex.

## CAP. cxxxix.

An Act for enabling the Conway and Llanrwst Railway Company to make a Deviation and Alteration of their authorised Line of Railway; and for other Purposes.

## CAP. cxxxx.

An Act to grant further Powers to the East Suffolk Railway Company; to authorise certain Arrangements with respect to their Share Capital; and to amend the Acts relating to the Company.

## CAP. cxxxxi.

An Act for making Railways from Aberystwith to various Places in the Counties of Cardigan, Montgomery, Merioneth, and Carnarvon, to be called "The Aberystwith and Welsh Coast Railways;" and for other Purposes.

## CAP. cxxxxii.

An Act for making a Railway from Bishop Stortford, through Dunmow, to Braintree, with a Branch therefrom; and for other Purposes.

## CAP. cxxxxiii.

An Act to enable the Cleveland Railway Company to extend their Railway from Gulsbrough to the River Tees, with Branches connected with that Extension, and to make certain Deviations in the authorised Line of their Railway; to confer certain Powers with reference to other Undertakings; to amend the Act relating to the Cleveland Railway; and for other Purposes.

## CAP. cxxxxiv.

An Act to enable the Forest of Dean Central Railway Company to construct further Works; and for other Purposes connected with their Undertaking.

## CAP. cxxxxv.

An Act to amend the Hatfield Chase Warming and Improvement Act, 1864.

## CAP. cxxxxvi.

An Act for making a Railway from Forres to Birnam, near Dunkeld, with a Branch to Aberfeldy, to be called "The Inverness and Perth Junction Railway;" and for other Purposes.

## CAP. cxxxvii.

An Act for making a Railway to be called "The Ludlow and Cleve Hill Railway;" and for other Purposes.

## CAP. cxxxviii.

An Act to enable the Mersey Docks and Harbour Board to purchase from the Corporation of Liverpool the Reversion in Fee of certain Leasehold Lands of the Board at Birkenhead; to extend the Period for the Completion of certain Works at Birkenhead; and to enable the Board to improve the working of the Docks, and the loading and unloading of Vessels.

## CAP. cxxxix.

An Act for making Railways from Much Wenlock to the Shrewsbury and Hereford Railway, and a Railway from the Much Wenlock and Severn Junction Railway into Coalbrookdale, with Branches and Works connected therewith; to authorise certain Arrangements with, and confer certain Powers upon, other Companies; and for other Purposes.

## CAP. cx.

An Act for making a Railway to improve the Communication between Salisbury and the Southern Part of the County of Dorset; and for other Purposes.

## CAP. cxci.

An Act for conferring further Powers on the South-eastern Railway Company with respect to Steam-vessels; and for enabling that Company to make By-laws for regulating the London and Greenwich Railway; and for amending some of the Acts relating to the South-eastern Railway Company with respect to the Accounts to be kept by them; and for other Purposes.

## CAP. cxcii.

An Act to enable the Vale of Clwyd Railway Company to raise additional Capital.

## CAP. cxciii.

An Act to enable the Ware, Hadham, and Buntingford Railway Company to make a Deviation in the authorised Line of their Railway; and for other Purposes.

## CAP. cxciv.

An Act to authorise the Construction of a Railway from Holme to Ramsey, in the County of Huntingdon.

## CAP. cxcv.

An Act for making a Railway from the Stirling and Dunfermline Railway to the Town of Alva.

## CAP. cxcvi.

An Act to empower the North London Railway Company to construct a Railway from Liverpool-street, in the City of London, to join their existing Railway at Kingland; and for other Purposes.

## CAP. cxcvii.

An Act for enabling the Coleford, Monmouth, Usk, and Pontypool Railway Company to lease their Undertaking to the West Midland Railway Company; and for other Purposes.

## CAP. cxcviii.

An Act for making a Railway from the Glasgow, Dumfries, and Helensburgh Railway to Milngavie; and for other Purposes.

## CAP. cxcix.

An Act for making a Railway from Lynn to Hunstanton, all in the County of Norfolk.

CAP. ccl.

An Act to authorise the Amalgamation of the Symington, Biggar, and Broughton Railway Company with the Caledonian Railway Company; and for other Purposes.

CAP. cccli.

An Act to enable the Caledonian Railway Company to make a Branch Railway from Rutherglen to Coatbridge, with a Branch to Whifflet; and for other Purposes.

CAP. cccli.

An Act for making a Railway from Cockermouth to Keswick and Penrith, with a Branch thereout, all in the County of Cumberland; and for other Purposes.

CAP. cciv.

An Act for enabling the Great Western Railway Company to make and maintain a Railway from Lightmoor to Coalbrookdale; and for other Purposes.

CAP. ccv.

An Act for making a Railway from Kirkcudbright to Castle Douglas; and for other Purposes.

CAP. ccvi.

An Act to amend the Birmingham Improvement Act, 1851; and for other Purposes.

CAP. ccvii.

An Act for making a Railway from the Cork and Bandon Railway, near the City of Cork, to the Town of Macroom, in the County of Cork.

CAP. ccviii.

An Act to empower the London and North-western Railway Company to make Railways at Burton-upon-Trent; to confer additional Powers upon them with reference to Parts of their Undertaking; and for other Purposes.

CAP. ccix.

An Act for extending the Periods for the Purchase of Lands and the Execution of Works for the Somerset Central Railway Company's authorised Railway from Glastonbury to Bruton; for authorising the Somerset Central Railway Company to raise further Monies; and for other Purposes.

CAP. ccx.

An Act to enable the South Wales Mineral Railway Company to extend their Railway to the Briton Ferry Docks; and for other Purposes.

CAP. ccxi.

An Act for better supplying with Water the Borough of Stockport, in the Counties of Chester and Lancaster, and the several Townships and Places adjacent or near thereto in those Counties; and for other Purposes.

CAP. ccxii.

An Act for authorising the Construction of Railways from the Severn Valley Railway to the West Midland Railway, near Kidderminster, and the leasing of the Wellington and Severn Junction Railway by the Great Western and West Midland Railway Companies; and for other Purposes.

CAP. ccxiv.

An Act to enable the Edinburgh, Perth, and Dundee Railway Company to make By-laws for their Piers, Basins, and Works at Ferry-port-on-Craig and Broughty, and the Ferry between Ferry-port-on-Craig and Broughty; to vest the Burntisland and Granton Ferry in the Company; to construct Siding Accommodations and Works for Supply of Water; to amalgamate the Kinross-shire Railway with their Undertaking; and for other Purposes.

CAP. ccxv.

An Act to repeal and consolidate the several Acts relating to the Cornwall Railway Company; to empower them to make a Deviation Railway; to extend the Time for Completion of Parts of their Railway; and for other Purposes.

CAP. ccxvi.

An Act for granting further Powers to the Victoria Docks Gas Company.

CAP. ccxvii.

An Act for authorising the Llanelly Railway and Dock Company to make and maintain additional Lines of Railway, and to raise further Monies; and for other Purposes.

CAP. ccxviii.

An Act for authorising the Monmouthshire Railway and Canal Company to make and maintain new Lines of Railway and Deviations, and to acquire other Railways, and for authorising them to raise additional Capital; and for other Purposes.

CAP. ccxix.

An Act for authorising a Lease or Sale of the Railway of the St. George's Harbour Company to the London and North-western Railway Company; and for reducing and regulating the Capital of the St. George's Harbour Company; and for other Purposes.

CAP. ccxx.

An Act for making a Railway between the London and South-western Railway at or near to that Railway at St. Denis, near Southampton, and the Military Hospital at Netley; and for other Purposes.

CAP. ccxxi.

An Act for extending the Stourbridge Railway to the Birmingham, Wolverhampton, and Stour Valley Railway at Smethwick, and for making a Branch Railway in connection with the Stourbridge Railway; for authorising Arrangements with other Companies; and for other Purposes.

CAP. ccxxii.

An Act to enable the Swansea Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking.

CAP. ccxxiii.

An Act for making a Railway from the Oswestry and Newtown Railway at Oswestry to the London and North-western Railway at Whitechurch, in the County of Salop; and for other Purposes.

CAP. ccxxiv.

An Act to extend and deviate a Portion of the Petersfield Railway.

CAP. cccxv.

An Act to enable the Society or Partnership called "The Westminster Society for Insurance of Lives and Survivorships and for granting Annuities" to make Provision for satisfying the Liabilities and Engagements of the said Society or Partnership; to confirm an Agreement entered into between the said Society or Partnership and the Society or Partnership called "The Guardian Fire and Life Insurance Company;" to dissolve the said Westminster Society; and to authorise the Distribution among the Members thereof of so much of the Capital of the said Westminster Society as shall not be required for the Purpose of satisfying the Liabilities and Engagements thereof.

CAP. cccxvi.

An Act to amalgamate the West of Fife Mineral Railway Company and the Charleston Railway and Harbour Company.

CAP. cccxvii.

An Act for authorising the Rumney Railway Company to alter the Line and Levels of their existing Railway, and to make and maintain new Railways in connexion therewith; and for other Purposes.

CAP. cccxviii.

An Act to enable the Caledonian Railway Company to make a Branch Railway from their Lesmahagow Line to Cot Castle, near Stonehouse; to extend the Southfield Branch of that Line; to enlarge their Station at Symington; and for other Purposes.

CAP. cccxix.

An Act to enable the Caledonian Railway Company to extend their Cleland Branch to Morningaide, and to make Branch Railways to Omoa Ironworks, to Drumbowie, and to Langridge, all in the County of Lanark.

CAP. cccxx.

An Act to enable the North and Clyde Junction Railway Company to make a Branch Railway to Dalmonash Printworks, in the County of Dumbarton, and to create additional Shares; and for other Purposes.

CAP. cccxxi.

An Act to enable the Eastern Counties Railway Company to make new Lines of Railway; and for other Purposes.

CAP. cccxxii.

An Act to enable the Kilkenny Junction Railway Company to abandon the Portion of their authorised Line between Abbeyleix and Mountrath; and instead thereof to make new Lines to the Maryborough Station and to the Roscrea Junction on the Great Southern and Western Railway; and for other Purposes.

CAP. cccxxiii.

An Act for extending the Metropolitan Railway from Smithfield to Finsbury Circus; to authorise Arrangements with other Companies; to amend the Acts relating to the Metropolitan Railway; and for other Purposes.

CAP. cccxxiv.

An Act for increasing the Capital of, and conferring further Powers on, the West London Extension Railway Company; and for other Purposes.

CAP. cccxxv.

An Act to enable the Brecon and Merthyr Tydfil Junction Railway Company to make certain new Lines of Railway; and for other Purposes.

CAP. cccxxvi.

An Act for establishing a separate System of Pilotage for the several Ports of Cardiff, Newport, and Gloucester, in the Bristol Channel.

CAP. cccxxvii.

An Act to increase the Capital of the Colne Valley and Halstead Railway Company; and for other Purposes.

CAP. cccxxviii.

An Act for providing and constructing Markets, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Parishes of St. Mary and St. Bridget, in the City of Dublin.

CAP. cccxxix.

An Act to authorise a Lease of the Margate Railway to the London, Chatham, and Dover Railway Company; and for other Purposes.

CAP. cccli.

An Act to enable the London, Chatham, and Dover Railway Company to make certain Deviations and Junction Lines of Railway; and for other Purposes.

CAP. cccli.

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CAP. cccli.

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